



AGENDA

BICYCLE AND PEDESTRIAN
ADVISORY COMMITTEE
APRIL 14, 2022
5:30 PM
ATTEND VIRTUALLY

SPECIAL PROCEDURES FOR BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE MEETING

Attendance: In response to the State's declaration of a Public Health Emergency, the Mayor's Proclamation of Emergency, and the ban on public gatherings in excess of those permitted in the current Public Health Order, and the need to incorporate technology and practices to re-institute in-person meetings consistent with the limitations established by the Order, the Bicycle and Pedestrian Advisory Committee meeting will be conducted virtually.

Viewing: Members of the public may join the Zoom meeting by internet or phone, as follows:

Internet: To join the Zoom meeting on the internet using a computer, laptop, smartphone, or tablet, use the following link: <https://santafenm.gov.zoom.us/j/7891823684?pwd=K2pEOGpNa0p2NmhvS0d2ajdpOTR4Zz09>.

Passcode: 8j5kRn

Attendees should use the "Raise Hand" function to be recognized by the Chair to speak at the appropriate time.

Phone: To join the Zoom meeting using a phone, use the following phone numbers and Webinar ID: **US: 1 (346) 248-7799 - Webinar ID: 789 182 3684 - Passcode: 8j5kRn**

Phone attendees should press *9 to use the "Raise Hand" function to be recognized by the Chair to speak at the appropriate time.

The agenda and packet for the meeting will be posted at <https://santafe.primegov.com/public/portal>.

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF AGENDA**



AGENDA

**BICYCLE AND PEDESTRIAN
ADVISORY COMMITTEE
APRIL 14, 2022
5:30 PM
ATTEND VIRTUALLY**

4. APPROVAL OF MINUTES

- a. March 10, 2022

5. COMMUNICATIONS FROM THE PUBLIC

6. COMMUNICATIONS FROM OTHER AGENCIES

- a. Santa Fe Metropolitan Planning Organization, Erick Aune, AICP, SFMPO Officer
- b. Santa Fe Conservation Trust, Tim Rogers, Trails Program Manager
- c. Public Safety Committee, Khalil Spencer, BPAC Representative
- d. Safe Route to School Program, Phil Lucero, BPAC Representative

7. DISCUSSION AND POSSIBLE ACTION ITEMS

- a. Guidelines for Communicating to the Public including a Discussion on Open Meetings Act, Chair Michael Garcia
- b. Review of Draft Resolution Directing the City Manager to Establish an Inspection and Maintenance Plan for On-Road Bicycle and Pedestrian Infrastructure (Yolanda Eisenstein, Planning, Policy & Law Chair)
- c. Review of Draft Ordinance Amending Sections of the City of Santa Fe Uniform Traffic Ordinance Regarding Bicycles to Include Electric Bicycles (Yolanda Eisenstein, Planning, Policy and Law Chair)
- d. City of Santa Fe Multi-Modal Transition Plan Presentation, Erick Aune, AICP, SFMPO Officer and Acting Land Use Planning Manager
- e. BPAC Comments on the Arroyo Chamisos Crossing Phase B Study, Ben Pingilley, Technical Review Subcommittee Chair



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- f. City of Santa Fe Traffic Calming Program, Yolanda Eisenstein, Planning, Policy and Law Subcommittee Chair
 - g. Roadway and Trails Projects Update, Romella Glorioso-Moss, Staff Liaison
8. **SUBCOMMITTEE COMMUNICATIONS**
- a. Planning, Policy and Law Subcommittee, Yolanda Eisenstein, Chair
 - b. Promotion, Education and Programming Subcommittee, Judith Gabriele, Chair
 - c. Technical Review Subcommittee, Ben Pingilley, Chair
9. **MATTERS FROM STAFF**
10. **MATTERS FROM THE COMMITTEE**
11. **MATTERS FROM THE CHAIR**
12. **NEXT MEETING: Thursday, May 12, 2022**
13. **ADJOURN**

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6521, five (5) working days prior to meeting date.



MINUTES

BICYCLE AND PEDESTRIAN
ADVISORY COMMITTEE
MARCH 10, 2022
5:30 PM
VIRTUAL MEETING

1. CALL TO ORDER

The meeting was called to order by Vice Chair Khalil Spencer at 5:32 pm.

2. ROLL CALL

Members Present:

Chair Michael Garcia (joined the meeting at 5:45 pm)
Member Yolanda Eisenstein
Member Judith Gabriele
Member Tony Gerlicz
Member Ben Pingilley
Member Khal Spencer
Member Erik Aaboe (joined the meeting at 5:35 pm)

Members Excused:

Member Phil Lucero

Others Attending:

Romella Glorioso-Moss, Staff Liaison
Erick Aune, SFMPO Officer
Leah Yngve, SFMPO Transportation Planner
Christian Talamantes, SFCT Community Engagement Specialist
Gabriel Gaarden, PEP Subcommittee Member
Jon Pyle, PEP Subcommittee Member

3. APPROVAL OF AGENDA

MOTION: Member Eisenstein moved, seconded by Member Gerlicz, to approve the Agenda as amended.



MINUTES

BICYCLE AND PEDESTRIAN
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MARCH 10, 2022
5:30 PM
VIRTUAL MEETING

VOTE: The motion was approved on the following Roll Call vote:

For: Member Eisenstein, Member Gabriele, Member Gerlicz, Member Pingilley, Member Spencer

Against: None

Abstain: None

Staff changes: Remove Agenda Item 6.d Communications from Other Agencies – Safe Route to School Program by Member Phil Lucero; and Agenda Item 8.a) E-Bikes Task Force Update by Member Yolanda Eisenstein.

4. APPROVAL OF MINUTES

a. February 10, 2022

MOTION: Member Gabriele moved, seconded by Member Gerlicz, to approve the February 10, 2022 minutes as presented.

VOTE: The motion was on the following Roll Call vote:

For: Member Eisenstein, Member Gabriele, Member Gerlicz, Member Pingilley, Member Spencer, Member Aaboe

Against: None

Abstain: None



MINUTES

**BICYCLE AND PEDESTRIAN
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MARCH 10, 2022
5:30 PM
VIRTUAL MEETING**

5. COMMUNICATIONS FROM THE PUBLIC

There were no communications from the Public.

6. COMMUNICATIONS FROM OTHER AGENCIES

Chair Michael Garcia joined the meeting.

- a. Santa Fe Metropolitan Planning Organization, Erick Aune, AICP, SFMPO Officer & Acting Planning Manager

Ms. Leah Yngve is going to attend the virtual Bike Summit happening in 2 weeks. She will email the members the link to the meeting.

- b. Santa Fe Conservation Trust, Tim Rogers, Trails Program Manager

Mr. Tim Rogers cannot attend the meeting so Mr. Christian Talamantes gave the SFCT Report. Mr. Talamantes is the SFCT's Community Engagement Specialist.

Events for the month of March:

Bike Safety Skills – March 26 from 9 am to 3 pm at Railyard.

Vamonos Hike – March 26 from 10 am to 12 nn at La Tierra Trails.

Dale Ball Trails Work Day – March 30 from 10 am to 1 pm at Water History Park.

Important event in April is the Bicycle Fix It Fiestas that starts on April 2nd.



MINUTES

BICYCLE AND PEDESTRIAN
ADVISORY COMMITTEE
MARCH 10, 2022
5:30 PM
VIRTUAL MEETING

c. Public Safety Committee, Khalil Spencer, BPAC Representative

Member Spencer reported that the Public Safety Committee met last week and prior to the meeting he requested that the Police Chief search be included on the Agenda. Request was made to Ms. Kyra Ochoa [Community Services Department Director] and Mr. John Blair [City Manager]. As Public Safety Committee member, he wanted to know what is their role for choosing the next Police Chief. Or are they going to be included in process? Further, he stated that there is really no opportunity to put anything on the Agenda as Committee Member.

Chair Garcia commented that he is also concerned. He would like to read the Resolution that created the Committee. Regarding the selection of the Police Chief, the Councilors were given a chance to ask two questions each.

7. DISCUSSION AND POSSIBLE ACTION ITEMS

- a. Promotion, Education & Programming (PEP) Subcommittee Members-at-Large Introductions & Appointments (PEP Chair Judith Gabriele & BPAC Chair Michael Garcia)
- 1) Gabriel Gaarden
 - 2) Jon Pyle

Both Mr. Gabriel Gaarden and Mr. Jon Pyle introduced themselves before the Chair appointed them as members of Promotion, Education and Programming Subcommittee headed by Member Judith Gabriele.

- b. Harrison Rd Sidewalk and Lighting 90% Design Review (Jeanette Walther, PE, BHI Consultants & Ben Pingilley, Technical Review Chair)

MOTION: Member Pingilley moved, seconded by Member Spencer, to recommend to move forward with 90% design review with NMDOT.

VOTE: The motion was on the following Roll Call vote:

For: Chair Garcia, Member Eisenstein, Member Gabriele, Member Gerlicz, Member Pingilley, Member Spencer, Member Aaboe



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Against: None

Abstain: None

- c. Priority Projects for Inclusion in the BPAC Strategic Plan (2022-2027) (Ben Pingilley, Technical Review Chair)
- 1) Cerrillos Parallel
 - 2) Mutt Nelson Rd Trail
 - 3) Paseo de Peralta

MOTION: Member Gerlicz moved, seconded by Member Spencer, to approve the following projects that the Technical Review Subcommittee recommended to be included in the Strategic Plan: 1) Mutt Nelson Neighborhood Trail to connect to Tierra Contenta Trails and SWAN Park; 2) Restriping of Paseo de Peralta; 3) Cerrillos Parallel – north side only from Maes Road and connect Harrison Rd to Industrial Rd; and 4) Restriping of Hospital Drive from Lupita to just St. Michael's Drive (next to bump outs) to discourage parking.

VOTE: The motion was on the following Roll Call vote:

For: Chair Garcia, Member Eisenstein, Member Gabriele, Member Gerlicz, Member Pingilley, Member Spencer, Member Aaboe

Against: None

Abstain: None

- d. Review of Draft Resolution Directing the City Manager to Establish an Inspection and Maintenance Plan for On-Road Bicycle and Pedestrian Infrastructure (Yolanda Eisenstein, Planning, Policy & Law Chair)
- e. Review of Draft Ordinance Amending Sections of the *City of Santa Fe*



City of Santa Fe

MINUTES

BICYCLE AND PEDESTRIAN
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MARCH 10, 2022
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VIRTUAL MEETING

Uniform Traffic Ordinance Regarding Bicycles to Include Electric Bicycles
(Yolanda Eisenstein, Planning, Policy and Law Chair)

Question for Chair Garcia - can BPAC work with the Legislature for reintroducing the EBike Bill?

f. BPAC Presentation to PWUC (Judith Gabriele, Promotion, Education & Programming Chair)

g. Staff Report (Romella Glorioso-Moss, Staff Liaison)

8. SUBCOMMITTEE COMMUNICATIONS

9. MATTERS FROM STAFF

Member Terence Foreback resigned in February. We need representations from Districts 3 and 4.

10. MATTERS FROM THE COMMITTEE

11. MATTERS FROM THE CHAIR

12. NEXT MEETING: April 14 2022

13. ADJOURN

Romella Glorioso-Moss

Liaison

Chair

NEW MEXICO

OPEN MEETINGS ACT

COMPLIANCE GUIDE



**PROVIDED BY THE OFFICE OF THE
NEW MEXICO ATTORNEY GENERAL**

THE
OPEN MEETINGS ACT
NMSA 1978, Chapter 10, Article 15

A Compliance Guide for
New Mexico Public Officials and Citizens

HECTOR BALDERAS
Attorney General

This eighth edition of the Compliance Guide updates the 2010 edition, primarily to reflect a legislative amendment enacted in 2013 that requires a public body to make the agenda of a regular or special meeting available to the public at least 72 hours in advance of the meeting, and to post meeting agendas on a public body's website if one is maintained.

Eighth Edition
2015



Our Mission

Our mission at the New Mexico Department of Justice is to serve and protect the citizens of New Mexico by honorably carrying out the statutory responsibilities of the Attorney General.

Our Vision

Our mission is to seek, strengthen and empower partnerships with and among citizens, community and government agencies, law enforcement, and businesses in order to make our community a safer and more prosperous place to live. We must enforce the laws of New Mexico fairly and uniformly to ensure New Mexicans receive justice and equal protection under the law.

I am pleased to report that we are working hard to make changes necessary to serve and protect the State of New Mexico. I grew up facing many of the hardships that New Mexicans experience every day. It is that shared experience that motivates me to be a fierce advocate and a voice for our communities. My outreach efforts will support long-term goals of improving transparency in government and empowering the citizens of New Mexico.

The “Open Meetings Act,” NMSA 1978, Sections 10-15-1 to 10-15-4, is known as a “sunshine law.” Sunshine laws generally require that public business be conducted in full public view, that the actions of public bodies be taken openly, and that the deliberations of public bodies be open to the public. Like you, I strongly support open government, particularly meetings held by public officials to discuss public business. Public access to the proceedings and decision-making processes of governmental boards, agencies and commissions is an essential element of a properly functioning democracy. As Attorney General, I am charged by law with the responsibility to enforce the provisions of the New Mexico Open Meetings Act. The publication of this Guide is one of the ways to fulfill my office responsibilities as an effective resource for policymakers and the public in order to promote compliance.

A handwritten signature in blue ink, appearing to read "Hector Balderas". The signature is stylized and fluid.

HECTOR BALDERAS
Attorney General of New Mexico
2015

Table of Contents

I.	Introduction.....	1
II.	Open Meetings Act.....	2
III.	Section 10-15-1. Formation of Public Policy.....	6
	A. State Policy on Open Meetings.....	6
	B. Public Meetings Subject to the Act.....	7
	1. Rolling Quorums.....	7
	2. Policymaking Bodies.....	8
	C. Telephone Conferences.....	11
	D. Notice Requirements.....	12
	E. Reconvened Meetings.....	15
	F. Agenda.....	16
	1. Seventy-Two Hour Requirement.....	16
	2. Action on Agenda Items.....	17
	3. Specific Agenda Items.....	17
	G. Minutes.....	18
	H. Exceptions.....	19
	1. Licensing.....	20
	2. Limited Personnel Matters	21
	3. Administrative Adjudicatory Deliberations.....	23
	4. Personally Identifiable Student Information.....	24
	5. Collective Bargaining.....	25
	6. Certain Purchases.....	26
	7. Litigation.....	28
	8. Real Property and Water Rights.....	29
	9. Public Hospital Board Meetings.....	30
	10. Gaming Control Board Meetings.....	30
	I. Closed Meetings.....	31
	1. Closing an Open Meeting.....	31
	2. Closed Meeting Outside an Open Meeting.....	32
	J. Statement Regarding Closed Discussions.....	34
IV.	Section 10-15-2. State Legislature; Meetings.....	35
	A. Meetings of Committees and Policymaking Bodies of the Legislature.....	35
	B. Exceptions.....	36
	C. Definition of “Meeting”.....	37
V.	Section 10-15-3. Invalid Actions; Standing.....	38
	A. Invalid Actions.....	38
	B. Enforcement.....	38
	C. District Court Jurisdiction.....	42
	D. Other Remedies.....	43
VI.	Section 10-15-4. Criminal Penalties.....	44
	Compliance Checklist.....	45

I. Introduction

The “Open Meetings Act,” NMSA 1978, Sections 10-15-1 to 10-15-4, is known as a “sunshine law.” All states have such laws, which are essentially motivated by the belief that the democratic ideal is best served by a well-informed public. Sunshine laws generally require that public business be conducted in full public view, that the actions of public bodies be taken openly, and that the deliberations of public bodies be open to the public.

The Attorney General is authorized by Section 10-15-3(B) of the Act to enforce its provisions. Accordingly, this Compliance (“Guide”) has been prepared by the Attorney General to provide assistance in the application of the provisions of the Act to all boards and commissions of the state, counties, municipalities, school districts, conservation districts, irrigation districts, housing authorities, councils of government and other public bodies that are responsible to the public and subject to the Act. It should be noted that many of the issues discussed in this Guide have not been the subjects of judicial interpretation. By necessity, therefore, the Guide in most respects represents the views of the Attorney General. Although the Attorney General believes the construction of the Open Meetings Act reflected in this Compliance Guide is correct, it is always possible that a court faced with the same issues would disagree with the Attorney General’s interpretation.

New Mexico’s Open Meetings Act addresses four areas. The first defines the basic policy of the state with respect to meetings of non-legislative public bodies and how it is to be applied in conducting

public business; the second defines the policy as it applies to meetings of committees of the state legislature; the third addresses the effect that violating the Act may have on the validity of actions taken by public bodies; and the fourth defines the penalty for violation of the Act. These areas are discussed sequentially in the text of this Guide. For ease of reference, the entire Act is set forth on pages 2 through 5.

The Open Meetings Act was most recently amended during the 2013 legislative session. The amendment requires, with some exceptions, that a public body make the agendas of regular and special meetings available to the public at least seventy-two hours prior to the meetings and post the agendas on the public body’s website if one is maintained.

For ease of understanding, the text in this Guide is divided into three areas:

- 1) **The Law, as written, is in bold type.**
- 2) Commentary or explanation is in regular type.
- 3) *Examples of when the law would and would not apply are in italic type.*

If you would like additional copies of this Guide, or if you have any questions about the Guide or the applicability of the Act, please contact the Open Government Division of the Office of the Attorney General, P.O. Drawer 1508, Santa Fe, New Mexico 87504-1508, or by telephone at (505) 827-6070. This Guide is also posted on the Office of the Attorney General’s website at www.nmag.gov.

II. Open Meetings Act

10-15-1. Formation of Public Policy

A. In recognition of the fact that a representative government is dependent upon an informed electorate, it is declared to be public policy of this state that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them. The formation of public policy or the conduct of business by vote shall not be conducted in closed meetings. All meetings of any public body except the legislature and the courts shall be public meetings, and all persons desiring shall be permitted to attend and listen to the deliberations and proceedings. Reasonable efforts shall be made to accommodate the use of audio and video recording devices.

B. All meetings of a quorum of members of any board, commission, administrative adjudicatory body or other policymaking body of any state agency, any agency or authority of any county, municipality, district or any political subdivision, held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations or ordinances, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of any board, commission or other policymaking body are declared to be public meetings open to the public at all times, except as otherwise provided in the constitution of New Mexico or the Open Meetings Act. No public meeting once convened that is otherwise required to be open pursuant to the Open Meetings Act shall be closed or dissolved into small groups or committees for the purpose of permitting the closing of the meeting.

C. If otherwise allowed by law or rule of the public body, a member of a public body may

participate in a meeting of the public body by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting.

D. Any meetings at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs and at which a majority or quorum of the body is in attendance, and any closed meetings, shall be held only after reasonable notice to the public. The affected body shall determine at least annually in a public meeting what notice for a public meeting is reasonable when applied to that body. That notice shall include broadcast stations licensed by the federal communications commission and newspapers of general circulation that have provided a written request for such notice.

E. A public body may recess and reconvene a meeting to a day subsequent to that stated in the meeting notice if, prior to recessing, the public body specifies the date, time and place for continuation of the meeting, and, immediately following the recessed meeting, posts notice of the date, time and place for the reconvened meeting on or near the door of the place where the original meeting was held and in at least one other location appropriate to provide public notice of the continuation of the meeting. Only matters appearing on the agenda of the original meeting may be discussed at the reconvened meeting.

F. Meeting notices shall include an agenda

containing a list of specific items of business to be discussed or transacted at the meeting or information on how the public may obtain a copy of such an agenda. Except in the case of an emergency or in the case of a public body that ordinarily meets more frequently than once per week, at least seventy-two hours (72) hours prior to the meeting, the agenda shall be available to the public and posted on the public body's web site, if one is maintained. A public body that ordinarily meets more frequently than once per week shall post a draft agenda at least seventy-two (72) hours prior to the meeting and a final agenda at least thirty-six (36) hours prior to the meeting. Except for emergency matters, a public body shall take action only on items appearing on the agenda. For purposes of this Subsection, an "emergency" refers to unforeseen circumstances that, if not addressed immediately by the public body, will likely result in injury or damage to persons or property or substantial financial loss to the public body. Within ten days of taking action on an emergency matter, the public body shall report to the attorney general's office the action taken and the circumstances creating the emergency; provided that the requirement to report to the attorney general is waived upon the declaration of a state or national emergency.

G. The board, commission or other policymaking body shall keep written minutes of all its meetings. The minutes shall include at a minimum the date, time and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered and a record of any decisions and votes taken that show how each member voted. All minutes are open to public inspection. Draft minutes shall be prepared within ten working days after the meeting and shall be approved, amended or disapproved at the next meeting where a quorum is present. Minutes shall not become official until approved by the policymaking body.

H. The provisions of Subsections A, B and G of this section do not apply to:

(1) meetings pertaining to issuance, suspension, renewal or revocation of a license except that a hearing at which evidence is offered or rebutted shall be open. All final actions on the issuance, suspension, renewal or revocation of a license shall be taken at an open meeting;

(2) limited personnel matters; provided that for purposes of the Open Meetings Act, "limited personnel matters" means the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee; provided further that this Subsection is not to be construed as to exempt final actions on personnel from being taken at open public meetings; nor does it preclude an aggrieved public employee from demanding a public hearing. Judicial candidates interviewed by any commission shall have the right to demand an open interview;

(3) deliberations by a public body in connection with an administrative adjudicatory proceeding. For purposes of this paragraph, an "administrative adjudicatory proceeding" means a proceeding brought by or against a person before a public body in which individual legal rights, duties or privileges are required by law to be determined by the public body after an opportunity for a trial-type hearing. Except as otherwise provided in this section, the actual administrative adjudicatory proceeding at which evidence is offered or rebutted and any final action taken as a result of the proceeding shall occur in an open meeting;

(4) the discussion of personally identifiable information about any individual student, unless the student, his parent or guardian requests otherwise;

(5) meetings for the discussion of bargaining strategy preliminary to collective bargaining negotiations between the policymaking body and a bargaining unit representing the employees of that policymaking body and collective bargaining sessions at which the policymaking body and the representatives of the collective bargaining unit are present;

(6) that portion of meetings at which a decision concerning purchases in an amount exceeding two thousand five hundred dollars (\$2,500) that can be made only from one source and that portion of meetings at which the contents of competitive sealed proposals solicited pursuant to the Procurement Code are discussed during the contract negotiation process. The actual approval of purchase of the item or final action regarding the selection of a contractor shall be made in an open meeting;

(7) meetings subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant;

(8) meetings for the discussion of the purchase, acquisition or disposal of real property or water rights by the public body;

(9) those portions of meetings of committees or boards of public hospitals where strategic and long-range business plans or trade secrets are discussed; and

(10) that portion of a meeting of the gaming control board dealing with information made confidential pursuant to the provisions of the Gaming Control Act.

I. If any meeting is closed pursuant to the exclusions contained in Subsection H of this section, the closure:

(1) If made in an open meeting, shall be approved by a majority vote of a quorum

of the policymaking body; the authority for the closure and the subject to be discussed shall be stated with reasonable specificity in the motion calling for the vote on a closed meeting; the vote shall be taken in an open meeting; and the vote of each individual member shall be recorded in the minutes. Only those subjects announced or voted upon prior to closure by the policymaking body may be discussed in a closed meeting; and

(2) if called for when the policymaking body is not in an open meeting, shall not be held until public notice, appropriate under the circumstances, stating the specific provision of the law authorizing the closed meeting and stating with reasonable specificity the subject to be discussed, is given to the members and to the general public.

J. Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state that the matters discussed in the closed meeting were limited only to those specified in the motion for closure or in the notice of the separate closed meeting. This statement shall be approved by the public body under Subsection G of this section as part of the minutes.

10-15-1.1. Short Title.

NMSA 1978, Chapter 10, Article 15 may be cited as the "Open Meetings Act."

10-15-2. State Legislature; Meetings.

A. Unless otherwise provided by joint house and senate rule, all meetings of any committee or policymaking body of the legislature held for the purpose of discussing public business or for the purpose of taking any action within the authority of or the delegated authority of the committee or body are declared to be public meetings open to the public at all times. Reasonable notice of meetings shall be given to the public by

publication or by the presiding officer of each house prior to the time the meeting is scheduled.

B. The provisions of Subsection A of this section do not apply to matters relating to personnel or matters adjudicatory in nature or to investigative or quasi-judicial proceedings relating to ethics and conduct or to a caucus of a political party.

C. For the purpose of this section, “meeting” means a gathering of a quorum of the members of a standing committee or conference committee held for the purpose of taking any action within the authority of the committee or body.

10-15-3. Invalid Actions; Standing.

A. No resolution, rule, regulation, ordinance or action of any board, commission, committee or other policymaking body shall be valid unless taken or made at a meeting held in accordance with the requirements of NMSA 1978, Section 10-15-1. Every resolution, rule, regulation, ordinance or action of any board, commission, committee or other policymaking body shall be presumed to have been taken or made at a meeting held in accordance with the requirements of NMSA 1978, Section 10-15-1.

B. All provisions of the Open Meetings Act shall be enforced by the attorney general or by the district attorney in the county of jurisdiction. However, nothing in that act shall prevent an individual from independently applying for enforcement through the district courts, provided that the individual first provides written notice of the claimed violation to the public body and that the public body has denied or not acted on the claim within fifteen days of receiving it. A public meeting held to address a claimed violation of the Open Meetings Act shall include a summary of comments made at the meeting at which the claimed violation occurred.

C. The district courts of this state shall have jurisdiction, upon the application of any person to enforce the purpose of the Open Meetings Act, by injunction, mandamus or other appropriate order. The court shall award costs and reasonable attorney fees to any person who is successful in bringing a court action to enforce the provisions of the Open Meetings Act. If the prevailing party in a legal action brought under this section is a public body defendant, it shall be awarded court costs. A public body defendant that prevails in a court action brought under this section shall be awarded its reasonable attorney fees from the plaintiff if the plaintiff brought the action without sufficient information and belief that good grounds supported it.

D. No section of the Open Meetings Act shall be construed to preclude other remedies or rights not relating to the question of open meetings.

10-15-4. Penalty.

Any person violating any of the provisions of NMSA 1978, Section 10-15-1 or 10-15-2 is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars (\$500) for each offense.

Commentary

Public bodies often adopt Robert’s Rules of Order or a similar code of parliamentary procedure to govern the process for calling and conducting meetings and taking action. The public body must take care not to violate the Open Meetings Act in its attempt to comply with its own parliamentary rules. The Open Meetings Act is mandatory and will supersede any such local policy or procedure. While a violation of the Open Meetings Act will void the action taken, actions that do not comply with a body’s own parliamentary rules may not be invalidated where there is no statutory violation.

III. Section 10-15-1.

Formation of Public Policy

A. State Policy on Open Meetings

The Law

In recognition of the fact that a representative government is dependent upon an informed electorate, it is declared to be public policy of this state that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them. The formation of public policy or the conduct of business by vote shall not be conducted in closed meetings. All meetings of any public body except the legislature and the courts shall be public meetings, and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings. Reasonable efforts shall be made to accommodate the use of audio and video recording devices.

Commentary

This Subsection states the basic open meetings policy of the state. The Act generally prohibits a public body from conducting public business in secret or in closed meetings and requires that such business be conducted by the public body acting as a whole at meetings open to all persons who wish to attend and listen.

The Act requires members of a public body to conduct business in public and to allow all persons desiring to attend and listen to the proceedings. These requirements effectively preclude the members of a public body from conferring privately during meetings by passing notes, sending emails and texts or other means.

Unless a public body cannot reasonably do so, it must permit members of the public attending its meetings to record or video tape the

proceedings. The Act does not require a public body to allow members of the public to speak at its meetings.

Example 1:

A county manager needs the immediate approval of the board of county commissioners before executing a contract and calls the commissioners individually by telephone to secure such approval. Such a telephone poll as a substitute for official board action violates the intent of the Act. However, the board may avoid such hazards if it discusses the anticipated contract at a properly convened meeting and delegates to the county manager, its chief administrative officer, the authority to execute in the board's name. The county manager is not absolutely precluded from telephoning individual commissioners. The telephone poll is improper in this example because it is used to secure the approval of or final action by the board outside of an open meeting.

Example 2:

The city council is contemplating an ordinance adopting an 11:00 p.m. curfew for all persons under 18 years of age. Hundreds of residents attend the first meeting on the ordinance, carrying placards for and against it. The audience becomes loud and agitated and the local police remove several people for making threats against the council. The meeting lasts until 2:15 a.m. At the next meeting on the ordinance, the council limits presentations to those persons whose remarks are submitted to the council five days in advance of the meeting and places a five minute limit on such remarks.

Such restrictions are permitted. The Act requires only that persons be permitted to "attend and listen." An open public meeting is

not necessarily an open forum and, so long as the Act is complied with, public bodies may limit or not allow public debate and may take steps necessary to maintain public order.

Commentary

The courts and the legislature are excluded from the provisions of the Act that apply to other public bodies. Provisions of the Act specifically applicable to the legislature are discussed in Section IV.

Example 3:

The Disciplinary Board established by the State Supreme Court to investigate attorney misconduct holds a meeting to discuss hearing procedures. Because the Board is established by the Supreme Court and is an agency of the court, it is not subject to the Act under the express exemption for courts. Although exempt from the Act's coverage, the Supreme Court is free to promulgate regulations covering whether and when the Board's meetings are open to the public and requirements for public notice if it so chooses.

Commentary

As a policy statement, Subsection A generally sets forth the spirit or intent of The Law and serves as the guiding principle to be followed in applying the particular provisions of the Act. Where a situation is not specifically covered by the Act, doubt as to the proper course of action should be resolved in favor of openness whenever possible. Compliance with the Act is not just a matter of adhering to the Act's specific requirements, but contemplates a more flexible obligation of public bodies to open their deliberations to public scrutiny.

B. Public Meetings Subject to the Act

The Law

All meetings of a quorum of members of any board, commission, administrative

adjudicatory body or other policymaking body of any state agency, any agency or authority of any county, municipality, district or any political subdivision, held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations or ordinances, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of any board, commission or other policymaking body are declared to be public meetings open to the public at all times, except as otherwise provided in the constitution of New Mexico or the Open Meetings Act. No public meeting once convened that is otherwise required to be open pursuant to the Open Meetings Act shall be closed or dissolved into small groups or committees for the purpose of permitting the closing of the meeting.

Commentary

This Subsection defines those meetings that are required to be open to the public, unless otherwise excepted from this requirement by the Constitution or another provision of the Act or an express and unavoidable conflict with more specific language in another law. The provisions of the Act apply to any meeting of a quorum of a policymaking public body held for the purpose of:

- (a) formulating public policy;
- (b) discussing public business; or
- (c) taking any action that the body has authority to take.

1. Rolling Quorums

The Act's requirement for open, public meetings applies to any discussion of public business among a quorum of a public body's members. Usually, a quorum of a public body's members meets together to discuss public business or take action. However, a

quorum may exist for purposes of the Act even when the members are not physically present together at the same time and place. For example, if three members of a five member board discuss public business in a series of telephone or email conversations, the discussion is a meeting of a quorum. This is sometimes referred to as a “rolling” or “walking” quorum. The use of a rolling quorum to discuss public business or take action violates the Act because it constitutes a meeting of a quorum of the public body’s members outside of a properly noticed, public meeting.

Example 4:

Mr. Green and Ms. Thomas, two members of the five-member board of directors for the ZZZ Domestic Mutual Water Users Association (a public body established under the Sanitary Projects Act), have a telephone conversation during which they decide that the board should discharge the Association’s executive director. Mr. Green writes a letter to the director terminating her employment, signs the letter and passes it on to Ms. Thomas. Ms. Thomas signs the letter and delivers it to a third board member, who signs it and delivers it to a fourth board member for his signature. The fifth board member does not participate in the termination action.

The board’s action violates the Act. The letter discharging the executive director and signed by four of the board members amounts to action by a quorum of the board outside of a properly noticed and conducted public meeting. It makes no difference for purposes of the Act that the four members who made up the quorum were not together in the same place when they discussed and signed the letter.

Example 5:

Mr. Jones and Mr. Smith both serve on a board of county commissioners and constitute a quorum of that board. Jones and Smith are also in the same business and frequently run

into each other in the course of a business day. Moreover, they are friends and see each other at various social functions. The Act is not intended to alter the business or social relationships of these men so long as they are not meeting in their capacity as county commissioners for the purpose of conducting public business. Should public business arise in such business or social settings, the two men should avoid discussing the matter between themselves. Rather, the matter should be raised, discussed and decided in an open meeting of the board.

2. Policymaking Bodies

a. Administrative Adjudicatory Bodies

The Act broadly covers every kind of public body that can be characterized as “policymaking,” including those that perform administrative adjudicatory functions. Administrative adjudicatory functions generally include holding trial-type hearings to consider facts and reaching conclusions regarding individual legal rights, duties or privileges.

b. Committees

The Act specifically refers only to meetings of a quorum of the members of a public body. Meetings of a committee of a public body that is composed of less than a quorum of the members or of non-members of the public body may not be subject to the provisions of the Act if the committee engages solely in fact-finding, simply executes the policy decisions or final actions of the public body and does not otherwise act as a policymaking body.

A committee established for fact-finding purposes by a board or commission should be distinguished from committees created by statute performing the same functions. A committee created by statute is a public body subject to the Open Meetings Act because the legislature considered the committee’s functions important enough to provide it with a

separate existence as a public body, and because the committee is not simply created by a public body as a means to carry out that body's business.

In some situations, even a non-statutory committee appointed by a public body may constitute a "policymaking body" subject to the Act if it makes any decisions on behalf of, formulates recommendations that are binding in any legal or practical way on, or otherwise establishes policy for the public body. A public body may not evade its obligations under the Act by delegating its responsibilities for making decisions and taking final action to a committee. This is true even when the public body delegates its authority for holding a meeting or hearing to a single individual. If a hearing would be subject to the Act if convened by the public body, the hearing cannot be closed simply because the public body appoints a single hearing officer to hold the hearing in its place.

Excepted from this rule are hearing officers specifically authorized by statute. In those situations, the legislature has placed responsibility for holding a hearing with either the public body or the hearing officer, and the hearing officer's authority to hold a hearing is not based solely on delegation by the public body. Because, under these circumstances, the hearing officer acts under separate authority rather than as a replacement for the public body and because such a statutory hearing officer is not itself a public body, a hearing held by the hearing officer would not be subject to the Act. However, provisions of law other than the Open Meetings Act may apply and require the proceedings to be open. For example, all hearings under the Uniform Licensing Act, including those conducted by a hearing officer, must be open to the public. See NMSA 1978, Section 61-1-7.

Of course, where the chief policymaking official of an agency is a single individual, the Act does not apply because the official is not a public body, complete decision making

authority is vested solely in the official, and no deliberation or vote is necessary for effective action.

Example 6:

The governor, the superintendent of insurance and the chief of the state police get together to discuss issues about which the three are concerned. These persons, although public officials, do not constitute a "public body" and, therefore, their meeting is not subject to the provisions of the Act.

Example 7:

The parents in a school district have been asked by the superintendent to form a group to study the district's athletic programs and make recommendations to the school board. The group's recommendations are not binding on the board. Because they act solely in an advisory capacity, and have no authority to make decisions on behalf of the board, the parents do not constitute a policymaking body of the school district and their meetings are not subject to the provisions of the Act.

Example 8:

Three members of an eight-member state licensing board are appointed by the chairman as a committee to decide on a final budget. The committee is not given specific budgetary instructions by the board and the committee members use their discretion regarding the specific allocations in the budget. Since the committee independently develops a budget for the board, the budget discussions conducted and decisions made by the committee are meetings of a policymaking body subject to the Act's requirements.

Example 9:

The Public Regulation Commission is a full-time salaried commission regularly engaged in the conduct of public business, i.e., utility rate regulation. Because the Commission is

authorized to take final action and formulate policy, any meeting of a quorum of the members at which public business is discussed, even where no action is taken or policy actually formulated, is subject to the provisions of the Act.

Example 10:

A private non-profit health services corporation receives state and federal funding for its program. Unless a specific contractual provision or a statutory mandate independent of the Act imposes the duty of open meetings, a meeting of a quorum of the board of directors of the corporation is not subject to the provisions of the Act because the board of directors is not a board of the state, county, district or other political subdivision.

Example 11:

A cabinet secretary regularly meets with his key staff on Monday mornings to go over department affairs. From time to time, he may also invite interested legislators and persons from the private sector to advise him and his staff on particular matters. The decision-making authority of the department is nevertheless vested in the secretary, and the assembled Monday group, although influential, remains advisory. These meetings, therefore, are not subject to the Act.

Example 12:

A board of county commissioners is specifically required by statute to issue a particular order upon the occurrence of certain conditions. The duty to issue the order is purely ministerial; i.e., the board may not exercise any discretion or independent judgment. No decision or deliberation of the board is necessary or permitted. The board, at a meeting properly convened according to the Act, may authorize one member or an administrator to issue the order when the requisite conditions occur, and the official action may be taken without a subsequent

meeting that would otherwise be subject to the Act.

Example 13:

Pursuant to its constitution, the board of regents of a state university delegates its policymaking authority to decide post-graduate curricula to the faculty senate of the respective post-graduate departments. Meetings of the faculty senate for the purpose of exercising that authority are subject to the Act.

Example 14:

A five-member city council creates an "advisory committee" composed of two city council members and other city officials to evaluate bidders on city contracts and to recommend a limited number of the bidders to the city council for final selection. By delegating authority to the committee to narrow the choices of potential contractors for the council's consideration, the city council vests the committee with decision-making authority and subjects its meetings to the Act's requirements.

Example 15:

A state commission establishes a search committee composed of experts in the field regulated by the commission to review and evaluate applications for positions on the commission's staff. A provision in the commission's by-laws provides that the search committee's final recommendation on whom to hire is binding on the commission unless the commission receives reliable information from an independent source affecting the finalist's qualifications. Because the commission has delegated virtually all of its decision-making authority to the search committee, the committee's meetings are subject to the Act.

If the search committee's recommendations were not expressly binding on the commission, but the commission routinely adopted the

committee's final recommendation without reviewing the other applicants, the committee's meetings still would be subject to the Act. Although not required to by any express provision, the commission, as a matter of practice, would be delegating to the committee its authority to select employees.

Example 16:

A state board appoints a committee composed of two board members (less than a quorum of the board) and several members of the public to draft proposed regulations in accordance with the board's instructions regarding the substance of the regulations. The board will review the proposed regulations, make all final decisions regarding the text of the regulations and determine whether to hold a public hearing on them. Provided the committee is not statutorily created and charged with drafting regulations for the board, meetings of the committee to draft the regulations will not be subject to the Act.

Example 17:

Pursuant to statute, two incorporated villages establish an intercommunity water supply association empowered to provide a supply of water to the villages' inhabitants. The villages are the association's only members and each village appoints three persons to serve at its pleasure as commissioners of the association. To fulfill its duties, the association is granted certain government powers, including the power of eminent domain. Because it is formed by public bodies and is authorized to perform certain functions on behalf of those bodies, the association also is a public body subject to the Act.

C. Telephone Conferences

The Law

If otherwise allowed by law or rule of the public body, a member of a public body may participate in a meeting of the public

body by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting.

Commentary

This provision sets forth requirements for members of a public body who attend a meeting by conference call. The Act does not itself authorize attendance by telephone. But if members of a public body have independent authority by law or regulation to participate in meetings by telephone, the requirements will apply.

Example 18:

The state student loan authority is granted the same powers as those exercised by nonprofit organizations incorporated under state law. The Nonprofit Corporation Act allows a nonprofit's board of directors to "participate in a meeting ... by means of a conference telephone or similar communications equipment" and provides that "participation by such means shall constitute presence in person at a meeting." This law authorizes a member of the authority's governing board who is unable to attend a meeting in person to participate by conference telephone if the requirements of the Open Meetings Act are met.

Commentary

Even where attendance by telephone is allowed, it would defeat the purposes of the Open Meetings Act if this were done by a large number of board members. That is why the legislature provided that participation by telephone conference may occur only when

“difficult or impossible.” Thus, in all cases where it is possible, members of a public body should attend meetings in person. Participation by telephone should occur only when circumstances beyond the member’s control would make attendance in person extremely burdensome. The provision is not intended to encourage participation by telephone in cases where personal attendance would be merely inconvenient or would be more efficient or economical for the public body.

D. Notice Requirements

The Law

Any meetings at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs and at which a majority or quorum of the body is in attendance, and any closed meetings, shall be held only after reasonable notice to the public. The affected body shall determine at least annually in a public meeting what notice for a public meeting is reasonable when applied to that body. That notice shall include broadcast stations licensed by the federal communications commission and newspapers of general circulation that have provided a written request for such notice.

Commentary

This Subsection requires that reasonable notice be given of public meetings at which proposed rules, regulations, resolutions or formal action will be discussed or adopted. In effect, this means a public body must give notice of all public meetings of a quorum of the public body. The notice must include licensed broadcast stations and newspapers of general circulation that have made a written request for notice of the public body’s meetings.

Example 19:

The governing body of an irrigation district wishes to call a special meeting to discuss an

emergency situation resulting from flood damage. The action of simply calling a meeting is not formal action for purposes of the notice provisions of the Act, since requiring notice of a meeting to call a meeting is obviously impractical. This might be overcome by a policy of the public body authorizing the chairman or president to call such meetings as he or she deems necessary.

Commentary

This Subsection also requires each public body to determine its notice procedures at least once a year in a public meeting. Accordingly, each public body should adopt an annual resolution or other announcement at a regularly scheduled open meeting stating its procedure for giving notice of meetings. The Act does not impose any specific maximum or minimum requirements, and what constitutes reasonable notice may vary according to the type of meeting or public body. In general, however, a reasonable notice must adequately, accurately, and sufficiently in advance inform the public of the meeting’s time, place and date, and should be published or posted in a place and manner accessible to the public, such as a central location at the public body’s main office where the public is allowed, as well as on a web site if the public entity has one

Example 20:

The mayor of the Village of Las Ropas calls a special meeting of the Board of Trustees. The public meeting notice states that the meeting will be held the following Monday at 8:30 a.m. in the Village Hall. At 4:30 p.m. on the Friday preceding the meeting, the meeting notice is posted on the door of the Village Clerk’s office in the Village Hall. The Village Hall closes at 5:00 p.m. on weekdays and is not open at all on weekends. The meeting notice is not reasonable for purposes of the Act because members of the public interested in attending the meeting have no meaningful opportunity to see the notice before the meeting.

Commentary

In most circumstances, the Attorney General will consider reasonable a notice procedure providing ten days advance notice for regular meetings, three days prior notice for special meetings and twenty-four hours advance notice for emergency meetings. If a public body meets regularly on a specific date, time and place, e.g., the second Wednesday of each month at 7:00 p.m. at the city auditorium, the public body need not provide ten days advance notice for each individual meeting as long as the public body sets forth the requisite information in the public body's notice resolution and makes the resolution available to the public.

Regardless of whether a meeting is a regular, special or emergency meeting, the Act requires the public body to provide notice that was given as far in advance as reasonably possible under the circumstances involved. For example, an "emergency meeting" called with little or no notice must involve issues that could not have been anticipated and which, if not addressed immediately by the public body, will threaten the health, safety or property of its citizens, or likely result in substantial financial loss to the public body.

Example 21:

With only one hour's advance notice, a mayor calls an "emergency meeting" of the town's governing board to discuss the purchase of a building. The building's owner has indicated that unless the town council decides to purchase the building in twenty-four hours, he will offer it to someone else. While the town has no particular need for the building, the mayor thinks it is a good deal. The town's open meetings resolution requires ten days notice for regular meetings, three days notice for special meetings, and twenty-four hours notice, if possible, for emergency meetings. The notice given for the meeting is unreasonable because the circumstances justifying an emergency meeting are not present.

Commentary

The next example illustrates a resolution containing notice procedures that generally will be considered reasonable. (NOTE: Paragraph 7 of the model resolution is intended to comply with the requirements of the federal Americans With Disabilities Act ("ADA"). It is not required by the Open Meetings Act, but we recommend that public bodies subject to the ADA include such a notice in their notice resolutions.)

Example 22:

[NAME OF COMMISSION, BOARD OR AGENCY] RESOLUTION NO. _____

WHEREAS, THE _____ met in regular session at _____ on _____, 20__, at _____, a.m./p.m., as required by law; and

WHEREAS, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, Sections 10-15-1 to -4) states that, except as may be otherwise provided in the Constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, council, commission, administrative adjudicatory body or other policymaking body of any state or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all times; and

WHEREAS, any meetings subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and

WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the _____ to determine annually what

constitutes reasonable notice of its public meetings;

NOW, THEREFORE, BE IT RESOLVED by _____ that:

1. All meetings shall be held at _____ at _____ a.m./p.m., or as indicated in the meeting notice.

2. Unless otherwise specified, regular meetings shall be held each month on _____. The agenda will be available at least seventy-two hours prior to the meeting from _____, whose office is located in _____, New Mexico. The agenda will also be posted at the offices of _____ and on the _____'s website at www._____.

3. Notice of regular meetings other than those described in Paragraph 2 will be given ten days in advance of the meeting date. The notice will include a copy of the agenda or information on how a copy of the agenda may be obtained. If not included in the notice, the agenda will be available at least seventy-two hours before the meeting and posted on the _____'s website at www._____.

4. Special meetings may be called by the Chairman or a majority of the members upon three days notice. The notice for a special meeting shall include an agenda for the meeting or information on how a copy of the agenda may be obtained a copy of the agenda. The agenda will be available at least seventy-two hours before the meeting and posted on the _____'s website at www._____.

5. Emergency meetings will be called only under unforeseen circumstances that demand immediate action to protect the health, safety and property of citizens or to protect the public body from substantial financial loss. The _____ will avoid

emergency meetings whenever possible. Emergency meetings may be called by the Chairman or a majority of the members with twenty-four hours prior notice, unless threat of personal injury or property damage requires less notice. The notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda. Within ten days of taking action on an emergency matter, the _____ will notify the Attorney General's Office.

6. For the purposes of regular meetings described in Paragraph 3 of this resolution, notice requirements are met if notice of the date, time, place and agenda is placed in newspapers of general circulation in the state and posted in the following locations: _____. Copies of the written notice shall also be mailed to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.

7. For the purposes of special meetings and emergency meetings described in Paragraphs 4 and 5, notice requirements are met if notice of the date, time, place and agenda is provided by telephone to newspapers of general circulation in the state and posted in the offices of _____. Telephone notice also shall be given to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.

8. In addition to the information specified above, all notices shall include the following language:

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact

_____ at _____
 at least one (1) week prior to the meeting
 or as soon as possible. Public documents,
 including the agenda and minutes, can be
 provided in various accessible formats.
 Please contact _____ at
 _____ if a summary or other
 type of accessible format is needed.

9. The _____ may close
 a meeting to the public only if the subject matter
 of such discussion or action is excepted from the
 open meeting requirement under Section 10-15-
 1(H) of the Open Meetings Act.

(a) If any meeting is closed during an open
 meeting, such closure shall be approved by a
 majority vote of a quorum of the
 _____ taken during the open
 meeting. The authority for the closed meeting
 and the subjects to be discussed shall be stated
 with reasonable specificity in the motion to
 close and the vote of each individual member on
 the motion to close shall be recorded in the
 minutes. Only those subjects specified in the
 motion may be discussed in the closed meeting.

(b) If a closed meeting is conducted when the
 _____ is not in an open
 meeting, the closed meeting shall not be held
 until public notice, appropriate under the
 circumstances, stating the specific provision of
 law authorizing the closed meeting and the
 subjects to be discussed with reasonable
 specificity, is given to the members and to the
 general public.

(c) Following completion of any closed meeting,
 the minutes of the open meeting that was closed,
 or the minutes of the next open meeting if the
 closed meeting was separately scheduled, shall
 state whether the matters discussed in the closed
 meeting were limited only to those specified in
 the motion or notice for closure.

(d) Except as provided in Section 10-15-1(H) of
 the Open Meetings Act, any action taken as a
 result of discussions in a closed meeting shall be
 made by vote of the _____ in an

open public meeting. Passed by the _____
 _____ this ___ day of _____, 20__.

Commentary

As indicated in the model notice resolution set
 forth above in Example 22, meeting notices
 must include specified information about
 agendas and all meetings, including closed
 meetings, require advance notice to the public.
 The specific provisions of the agenda
 requirements and procedures for closing
 meetings will be discussed below.

E. Reconvened Meetings

The Law

**A public body may recess and reconvene a
 meeting to a day subsequent to that stated in
 the meeting notice if, prior to recessing, the
 public body specifies the date, time and place
 for continuation of the meeting, and,
 immediately following the recessed meeting,
 posts notice of the date, time and place for
 the reconvened meeting on or near the door
 of the place where the original meeting was
 held and in at least one other location
 appropriate to provide public notice of the
 continuation of the meeting. Only matters
 appearing on the agenda of the original
 meeting may be discussed at the reconvened
 meeting.**

Commentary

Sometimes, a public body may convene a
 meeting and then, because of the length of the
 meeting or other circumstances, be forced to
 recess and continue the meeting on another day.
 If this happens, the public body, before
 recessing the meeting, must state the date, time
 and place for continuation of the meeting.
 Immediately after the meeting is recessed, the
 public body also must post notice of the
 continuation on or near the door of the place
 where the meeting originated and in at least one
 other location where it is likely that people
 interested in attending the meeting will see the

notice. The public body may not discuss items at the reconvened meeting that were not on the agenda of the original meeting.

Example 23:

A municipal zoning commission holds a hearing on a variance request. More people than anticipated appear to provide testimony for and against the variance. The commission wants to be sure that it receives input from all interested parties. At midnight, there are still several people left who wish to testify. The commission votes to recess the meeting and, before recessing, announces that the meeting will be reconvened the following day at 5:30 p.m. in the same room. After the meeting is recessed, a notice stating that the meeting will reconvene at the specified date, time and place is posted next to the door of the place where the meeting was held and on the bulletin board outside the commission's offices.

Example 24:

A state board holds a meeting that is interrupted by a bomb threat in the building. A search of the building reveals that the threat was a crank call, but the search takes two hours to complete. When they return to the meeting, the board members realize that they do not have time to discuss the last item on the agenda. They vote to reconvene the meeting two days later and comply with the requisite notice requirements. The next day, the board's administrator contacts the chair to request a meeting to decide on the purchase of office equipment. Although the board plans to reconvene the following day, it cannot discuss the purchase because it was not on the original meeting's agenda and is not an emergency. Instead, the chair must call a separate special meeting to discuss the purchase or wait to discuss the purchase at the next regular meeting.

F. Agenda

The Law

Meeting notices shall include an agenda containing a list of specific items of business to be discussed or transacted at the meeting or information on how the public may obtain a copy of such an agenda. Except in the case of an emergency or in the case of a public body that ordinarily meets more frequently than once per week, at least seventy-two hours (72) hours prior to the meeting, the agenda shall be available to the public and posted on the public body's web site, if one is maintained. A public body that ordinarily meets more frequently than once per week shall post a draft agenda at least seventy-two (72) hours prior to the meeting and a final agenda at least thirty-six (36) hours prior to the meeting. Except for emergency matters, a public body shall take action only on items appearing on the agenda. For purposes of this Subsection, an "emergency" refers to unforeseen circumstances that, if not addressed immediately by the public body, will likely result in injury or damage to persons or property or substantial financial loss to the public body. Within ten days of taking action on an emergency matter, the public body shall report to the attorney general's office the action taken and the circumstances creating the emergency; provided that the requirement to report to the attorney general is waived upon the declaration of a state or national emergency.

1. Seventy-Two Hour Requirement

Public bodies must include an agenda in their meeting notices or information on where a copy of the agenda may be obtained. With two exceptions, a public body must make the agenda available to the public at least 72 hours before a meeting. The 72-hour requirement applies regardless of whether it includes a Saturday, Sunday or holiday. For example, a public body holding a meeting on a Monday at 9:00 a.m. would meet the 72-hour requirement if it made the agenda available on Friday by 9:00 a.m.

The exceptions to the 72-hour requirement apply to: (1) meetings held to address an

emergency, which are discussed in more detail below, and (2) public bodies that ordinarily meet more than once a week. Those public bodies must post a draft agenda at least 72 hours before a meeting and a final agenda at least 36 hours before the meeting.

2. Action on Agenda Items

A public body may discuss a matter, but cannot take action, unless the matter is listed as a specific item of business on the agenda. Action on items that are not listed on the agenda for a meeting must be taken at a subsequent special or regular meeting.

Example 25:

A mutual domestic water users association reserves an hour of its regular board meeting for public comment. During the public comment portion of a meeting, a member of the association complains about frequent interruptions in water service. The topic was not listed on the agenda for the meeting. If they choose, the board members may discuss options for addressing the complaint, but must delay any action on it until a subsequent meeting after the issue is listed on the agenda available to the public seventy-two hours before the meeting.

3. Specific Agenda Items

The agenda must contain a list of “specific items” of business to be discussed or transacted at the meeting. The requirement for a list of specific items of business ensures that interested members of the public are given reasonable notice about the topics a public body plans on discussing or addressing at a meeting. A public body should avoid describing agenda items in general, broad or vague terms, which might be interpreted as an attempt to mislead the public about the business the public body intends to transact. This is an especially important consideration when a public body intends to act on an agenda item.

Example 26:

The agenda for a school board meeting contains the following items of business:

1. *Old Business*
2. *New Business*
 - a. *vending machines in the cafeteria*
 - b. *personnel matters*

Under item 1, the board discusses and acts on three contracts. Under item 2(a), the board discusses and votes to allow vending machines in the middle school cafeteria. Under item 2(b), the board dismisses the director of the district’s administrative office and reorganizes the remaining staff positions. The board’s vote under item 2(a) is proper. In contrast, the board’s actions under items 1 and 2(b) violate the Act because those items were not listed as “specific items of business” on the agenda, as required by the Act. Items 1 and 2(b) are described in such general and vague terms that they do not give the public a reasonably clear idea about the actions the board intended to take at the meeting.

Commentary

The Act relaxes the agenda requirement in cases of emergency. The public body must still provide an agenda for an emergency meeting, but it need not be available twenty-four hours before the meeting. In addition, if an emergency matter arises too late to appear on a meeting’s agenda, the public body is permitted to discuss and take action on the matter. For purposes of the agenda requirements, an “emergency” is a matter that could not be foreseen by the public body and that requires immediate attention by the public body to avoid imminent personal injury or property damage or substantial financial loss to the public body.

Example 27:

One hour before its regular meeting, a county commission is informed by the president of the bank holding deposits of county funds that the

bank is about to fail. Because of certain accounting procedures, the commission's deposits at the bank for the day total \$50,000 above the amount covered by federal deposit insurance. The county commission may consider and act on the matter at its regular meeting to avoid the \$50,000 loss.

Example 28:

A local school board calls a special meeting with three days notice. The meeting notice states that the only item to be discussed is the need for updated instructional materials for the following school year. The school board is not required to do anything else to comply with the agenda requirement of the Act.

Commentary

When a public body takes action on an emergency matter, it has ten days to report to the Office of the Attorney General. The report must include the action taken and the circumstances creating the emergency. Once it receives the report, the Office of the Attorney General will evaluate whether the public body properly treated the matter as an emergency for purposes of the Act's agenda requirements.

When a state or national emergency has been declared, the Act waives the requirement to report to the attorney general.

G. Minutes

The Law

The board, commission or other policymaking body shall keep written minutes of all its meetings. The minutes shall include at a minimum the date, time and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered and a record of any decisions and votes taken that show how each member voted. All minutes are open to public inspection. Draft minutes shall be prepared within ten working days after the

meeting and shall be approved, amended or disapproved at the next meeting where a quorum is present. Minutes shall not become official until approved by the policymaking body.

Commentary

All public bodies subject to the provisions of this Act are required to keep written minutes of all open meetings. (As discussed in the next section, minutes need not be kept during closed sessions.) Minutes of open meetings shall record at least the following information:

- (a) the date, time and place of the meeting;
- (b) the names of all members of the public body in attendance and a list of those members absent;
- (c) a statement of what proposals were considered; and
- (d) a record of any decisions made by the public body and of how each member voted.

This means that minutes must contain a description of the subject of all discussions had by the body, even if no action is taken or considered. The description may be a concise, but accurate, statement of the subject matter discussed and does not have to be a verbatim account of who said what. It may be useful, although it is not required, to also record in the minutes the other persons invited or present who participate in the deliberations.

A draft copy of the minutes is required to be prepared within ten working days of the meeting. Draft copies of minutes must be available for public inspection and should clearly indicate on the draft that they are not the official minutes and are subject to approval by the public body.

The public body must approve, amend or disapprove draft minutes at the next meeting of a quorum, and the minutes are not official until they are approved. Official minutes open to public inspection under this Subsection are also

subject to public inspection under the Inspection of Public Records Act, NMSA 1978, Sections 14-2-1 to -12.

Example 29:

A quorum of the members of a state commission meet with the commission's staff to discuss some technical matters related to internal management. The matters discussed are not exempted by the Act from the open meetings requirement. The discussions conducted by a quorum of the commission constitute the discussion of public business and minutes must be kept.

Commentary

The statute's requirement that the minutes record how the members voted on proposals does not require a roll call on each vote, providing the vote of each member may be ascertained. Thus, a unanimous vote need not be recorded by listing the members. Where the vote is not unanimous, minutes that state "four members in favor, Mr. Jones against the motion" adequately reflects how the members voted as long as the minutes also list the members in attendance. If a vote taken by roll call is required in a particular situation by the rules of parliamentary procedure or otherwise, the minutes should record the vote of each individual member. The Act's requirement that the minutes show how each member voted on a matter decided by the public body precludes the members from voting anonymously.

Example 30:

At a regular open meeting, the State Astronomy Board elects a chairperson. The members want to vote on the nominees by secret ballot. This is not allowed by the Act because the minutes must reflect how each member voted.

H. Exceptions

The Law

The provisions of Subsections A, B and G of this section do not apply to...

Commentary

Subsection H prescribes the circumstances under which certain meetings or portions of meetings are not subject to the open meetings and minute-taking requirements of the Open Meetings Act. Because the basic policy established by the Act favors open meetings, the Act must be strictly followed when meetings are to be closed. As a general rule, meetings may only be closed when the matter to be considered falls within one of the enumerated exceptions defined in the Act and discussed in detail below.

A few closures may be implied from or required by other laws or constitutional principles that specifically or necessarily preserve the confidentiality of certain information. Aside from these limited circumstances, however, no exception to the Open Meetings Act can be implied. The following examples illustrate such laws.

Example 31:

Section 12-6-5 of the Audit Act provides that an audit report does not become a public record, i.e., subject to public inspection, until five days after the auditor releases it to the audited agency. Where the agency being audited is governed by a public body subject to the Open Meetings Act and where release of the report occurs at an exit conference at which a quorum of the members of the body is present, such exit conference need not be open to the public in order to preserve the confidentiality of the information protected by Section 12-6-5.

Example 32:

Section 61-1-7 of the Uniform Licensing Act provides that hearings generally shall be open to the public, but gives a board authority to hold a closed hearing "in cases in which any constitutional right of privacy of an applicant or licensee may be irreparably damaged ... if the board ... so desires and states the reasons for

this decision in the record.” This provision is consistent with the policy of the Open Meetings Act that permits closure when required by the constitution. Accordingly, a board may close a hearing pursuant to Section 61-1-7 if necessary to safeguard privacy interests protected by the New Mexico or United States Constitutions.

Example 33:

A state licensing board holds a hearing at which certain evidence to be presented is alleged to be constitutionally protected. The party making the allegation requests that the hearing be closed during the times the evidence is presented. The board should determine, through a procedure open to the public, whether disclosure would violate any constitutional rights. In making this determination, the board must apply the constitutional test appropriate to the rights asserted (e.g., in some circumstances the test involves balancing the harm to the party resulting from disclosure against the harm to the public and others from nondisclosure). If the board decides that disclosure will violate the party’s constitutional rights, the board can properly close those portions of any subsequent hearing that involve the protected evidence.

Example 34:

A city housing authority responsible for reviewing and approving applications for subsidized home loans for low-income families must necessarily consider the family’s financial records to determine if the family qualifies under the program. Although the housing authority is concerned with preserving the privacy of the applicants, the information required in order to establish eligibility for the loans is not protected and may be discussed in open meetings. As there is no basis for closing the meetings, the housing authority should respect the privacy of the applicants by asking only for the specific information required by the program and no more.

1. Licensing

The Law

Meetings pertaining to issuance, suspension, renewal or revocation of a license except that a hearing at which evidence is offered or rebutted shall be open. All final actions on the issuance, suspension, renewal or revocation of a license shall be taken at an open meeting.

Commentary

This paragraph permits a public body to close a meeting to discuss certain matters pertaining to a particular license. Excepted are hearings conducted to present or rebut evidence in support of disciplinary action against a licensee, which must be open. The public body may close its meeting to deliberate, but all final actions concerning a license must be made in an open meeting.

Boards subject to the Uniform Licensing Act or the Administrative Procedures Act must comply with applicable procedures required by those acts for the issuance, suspension, renewal or revocation of a license.

Example 35:

The State Board of Psychologist Examiners meets in closed session to discuss an applicant for a license to practice psychology. The applicant has failed the examination for professional practice in psychology required by statute. After its discussion, the Board opens the meeting and votes to deny the application. In this situation, the Uniform Licensing Act does not require a hearing, so the board’s action is proper.

Example 36:

To ensure that complaints against licensed practitioners are handled efficiently, the State Board of Medical Examiners establishes a complaint committee. The committee is charged with reviewing complaints made to the Board and deciding which complaints should be presented to the Board for possible action. To decide which complaints will be acted on by the

Board, the committee applies criteria established by the Board. Under these circumstances, the committee is executing rather than establishing Board policy and is not subject to the Act.

2. Limited Personnel Matters

The Law

Limited personnel matters; provided that for purposes of the Open Meetings Act, “limited personnel matters” means the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee; provided further that this Subsection is not to be construed as to exempt final actions on personnel from being taken at open public meetings; nor does it preclude an aggrieved public employee from demanding a public hearing. Judicial candidates interviewed by any commission shall have the right to demand an open interview.

Commentary

This exception permits a public body to close meetings for the purpose of discussing certain matters concerning individual employees of the public body. Specifically, a public body may close a meeting to discuss the hiring, promotion, demotion, dismissal, assignment or resignation of an individual public employee or the investigation or consideration of complaints or charges against an individual public employee. A public body may also close a meeting for matters that are closely related to those specifically listed in the exception, such as performance appraisals and interviews with job candidates.

The exception does not permit a public policymaking body to retreat into executive session to discuss personnel policies, procedures, budget items, and other issues not concerning the qualifications or performance of

specific individuals. This point is emphasized in Section 10-15-1(B) of the Act (discussed above), which specifies that meetings of a public body held to formulate public policy “including the development of personnel policy, rules, regulations or ordinances” are open meetings.

Example 37:

A county commission wishes to discuss whether its budget permits it to hire additional staff. The meeting cannot be closed under the limited personnel matters exception because the commission is not considering an individual employee.

Example 38:

The governing body of a municipality is considering a contract to retain an attorney to represent the municipality on a part-time basis. The attorney is to be an independent contractor and not an employee of the municipality. This paragraph does not authorize closing a meeting of the governing body to select an attorney because the matter to be considered does not concern a public employee.

Example 39:

A local school board, pursuant to statutory authority, meets to appoint a person to fill a vacancy on the board. This paragraph does not authorize closing the meeting to consider that appointment because a board member is not an employee of the school district.

Example 40:

A city council meets to conduct a performance evaluation of the city manager. The evaluation may be conducted in a closed meeting. Although not expressly listed among the actions justifying closure under the limited personnel matters exception, it is closely related to the specified actions, all of which require discussion of an employee’s job performance and qualifications. For example, a performance evaluation likely

would provide the basis for any promotion, demotion, dismissal, assignment or resignation.

Example 41:

During its regular meeting, a state commission discusses a contract it has entered into with a person who happens to be employed by a nearby municipality. The state commission cannot close its meeting to discuss the contractor under the limited personnel matters exception. Although the contractor also is a public employee, she is not an employee of the state commission. This exception generally applies only to discussions about individuals employed by the public body invoking the exception.

Commentary

In all cases, a public body must take final action on a personnel matter falling within this exception in open session. This ensures that all final actions taken on personnel matters are announced publicly and the position of each member on the issue is recorded in the official minutes.

Example 42:

A school board meets to consider applicants for the position of superintendent. Discussion of the applicants' qualifications is conducted in closed session but the final decision or vote of the board with respect to hiring one of the applicants as superintendent must be taken in open session.

Example 43:

An administrative licensing board meets in closed session to review complaints against the executive director. The board takes no action. Therefore, nothing needs to be presented by the board during open session.

Commentary

The exception states that it does not preclude an individual employee from demanding an open

hearing. This provision does not confer the right to a hearing, but when an employee has a statutory or constitutional right to a hearing spelled out under another federal or state law, the public body cannot rely on the limited personnel matters exception to close the hearing if the employee wants it to be open. For example, the requirements of due process of law, a constitutional right, often mandate that before a right or privilege may be denied by a public body, the person possessing or seeking to acquire the right must be provided notice of the anticipated action and an opportunity to be heard prior to a final decision. If an employee of a public body is entitled to such a hearing before the public body can take disciplinary or other adverse action against the employee, the employee may demand and obtain an open hearing. Similarly, even if no law provides an employee with the right to a hearing, a public body that elects to give an employee the opportunity to be heard in connection with a personnel matter covered by the exception must conduct the hearing in open session at the employee's request.

Example 44:

A board of county commissioners meets to discuss a complaint that a county building inspector had attempted to rob a private citizen while on duty. The board is considering disciplinary action but wishes to wait until law enforcement authorities have completed their investigation. The board meets, goes into executive session, and decides to suspend the employee with pay. The board takes action in open session. The employee demands an immediate open hearing, even though the county personnel policy does not provide for a hearing for suspension. If the commission is not required by its policies or the state and federal constitutions to conduct a hearing at this stage, no hearing need be granted.

Example 45:

An employee of AAA City is notified by her supervisor that she was to be terminated for

insubordination. Pursuant to the City's personnel policies, the employee requests a post-disciplinary hearing before the City Council. By statute and under the City Charter, the City Council has the power to hire and discharge employees. The City Council delegates its authority to conduct the hearing to a hearing officer. The employee requests a public hearing.

The City's personnel policies give an employee who is discharged the right to a post-disciplinary hearing at the employee's request. Although an individual hearing officer is conducting the hearing, the hearing is subject to the Open Meetings Act because the hearing officer is exercising the City Council's delegated authority to terminate employees. Accordingly, the hearing officer must conduct the hearing in public because the employee requested an open hearing.

Commentary

The limited personnel matters exception confers upon candidates for judicial office the right to a public interview by a commission charged with conducting such interviews.

3. Administrative Adjudicatory Deliberations

The Law

Deliberations by a public body in connection with an administrative adjudicatory proceeding. For purposes of this paragraph, an "administrative adjudicatory proceeding" means a proceeding brought by or against a person before a public body in which individual legal rights, duties or privileges are required by law to be determined by the public body after an opportunity for a trial-type hearing. Except as otherwise provided in this section, the actual administrative adjudicatory proceeding at which evidence is offered or rebutted and any final action taken as a result of the proceeding shall occur in an open meeting.

Commentary

This paragraph permits a public body that conducts "administrative adjudicatory proceedings" to close the proceedings to deliberate. Examples of administrative adjudicatory proceedings contemplated by the exception include factual hearings conducted before issuing licenses and permits, licensee and employee disciplinary hearings, hearings like those conducted by the Human Rights Commission to consider alleged civil rights violations, and hearings held to consider wage and other labor related claims. Like a trial or other court hearing, these proceedings involve the presentation of facts and evidence in a public hearing and an impartial decision maker that must weigh the evidence presented and apply the applicable law, regulation or rule to the particular situation before being heard. Deliberations covered by the exception include discussions among the members of the public body at the conclusion of an administrative adjudicatory hearing during which the evidence, facts and law presented at the hearing are considered to reach a final decision. Deliberations also include discussions during the hearing concerning how to rule on motions and objections made by the parties.

The exception extends to all administrative adjudicatory proceedings the same right to deliberate in private that the Act specifically provides for licensing and personnel hearings. It also parallels the same privilege judges and courts have to weigh and consider in private evidence presented during a trial before reaching their final decision. Permitting agencies to deliberate in private under the specified circumstances encourages the thorough and candid consideration of evidence presented through witnesses or otherwise. As with the licensing and personnel exceptions, the actual proceeding where evidence is offered or rebutted and any final action or decision resulting from the proceeding must occur in a public meeting.

Example 46:

The Human Rights Commission receives a complaint alleging that a hotel refused service to the complainant in violation of her civil rights. The Commission schedules a public hearing during which evidence is presented and witnesses testify on both sides of the issue. At the conclusion of the hearing, the Commission may close the hearing to consider the evidence and the credibility of the witnesses to determine what the facts are and how to apply the Act. The Commission must vote on and announce its final decision in a public meeting. This may occur either on the same day as the hearing or during a subsequent public meeting.

Commentary

The exception applies only where a public body is required by law to determine individual legal rights, duties or privileges after providing the opportunity for a trial-type hearing. Public bodies may not misuse the exception as a means of avoiding the open meeting requirements. In other words, unless the Act mandates that a matter be determined after an administrative adjudicatory proceeding, a public body cannot hold a “hearing” on an issue and then close its meeting to “deliberate” if the issue is one that otherwise would have to be discussed in public and is not one for which the Act mandates a trial- type process.

Example 47:

One of the items discussed at a village council meeting is a contract for garbage collection. One councilor suggests that the village hold a hearing to hear each bidder’s proposal, and then go into executive session to “deliberate” on which proposal to accept. The councilor’s suggestion is correctly voted down after the council’s attorney advises that the selection of a contractor is governed by the Procurement Code, which does not authorize an administrative adjudicatory proceeding prior to awarding a contract.

4. Personally Identifiable Student InformationThe Law

The discussion of personally identifiable information about any individual student, unless the student, his parent or guardian requests otherwise.

Commentary

This exception is intended to cover discussions that involve personally identifiable information about a student. The exception reflects the protection the federal Family Educational Rights and Privacy Act (“FERPA”) provides for similar information in educational records. *See* 20 U.S.C. Section 1232g. Under FERPA, a school risks losing federal funding if it has a policy or practice of permitting the release of records containing information directly related to a student or “personally identifiable information” contained in those records. Federal regulations promulgated under FERPA define “personally identifiable information” to include a student’s name; parent’s or other family member’s name; the address of a student or student’s family; a student’s social security number, student number or other personal identifier; and a list of personal characteristics or other information that would make the student’s identity easily traceable. *See* 34 C.F.R. Section 99.3.

Essentially, therefore, the exception for meetings to discuss personally identifiable information permits a school board or board of education to close a meeting whenever it discusses an individual student, unless the student, or his parent or guardian, requests that the discussion occur in public. Although the exception does not expressly limit its application, the context of the exception makes it clear that it is not meant to apply to any public body that discusses an individual who happens to be a student somewhere. Like FERPA, which applies only to records held by educational agencies and institutions, only those public

bodies that govern or regulate school districts or educational institutions, such as local school boards and university boards of regents, can legitimately rely on the exception to close a meeting.

Example 48:

A local school board meets to discuss whether to suspend a high school student. Unless the student or her parents request a public hearing, the school board should hold a closed meeting to discuss the circumstances leading to the disciplinary action and what action is appropriate.

Example 49:

The Real Estate Commission holds a public hearing before revoking a broker's license. The broker is a student at the local community college. The Commission cannot close the hearing on the basis that it will involve the discussion of personally identifiable information about the broker.

Commentary

As with the exception for limited personnel matters, a school board or similar public body cannot rely on this paragraph to close a meeting to discuss or take action on educational policies and procedures, budgetary matters and other issues that involve students generally. The exception applies only to discussions relating to individual students. Other specific statutes governing schools also may require public meetings to discuss general student matters. For example, *see* NMSA 1978, Section 22-5-4.3 (requiring local school boards to involve parents, school personnel and students in, and to hold public hearings on, the development of student discipline policies).

5. Collective Bargaining

The Law

Meetings for the discussion of bargaining

strategy preliminary to collective bargaining negotiations between the policymaking body and a bargaining unit representing the employees of that policymaking body and collective bargaining sessions at which the policymaking body and the representatives of the collective bargaining unit are present.

Commentary

This exception allows a public body that is involved, or is considering becoming involved, in collective bargaining to discuss its preliminary strategy in closed session and to conduct negotiations with representatives of a collective bargaining unit in closed session. A "bargaining unit" for purposes of the exception is a group of employees with certain occupational characteristics (e.g., blue collar, secretarial, clerical, etc.) that has been confirmed or designated as appropriate for collective bargaining purposes. The "representative of a collective bargaining unit" is generally a labor organization or union that represents employees regarding the terms and conditions of employment.

Example 50:

An ad hoc group of employees of a municipality has formed to petition the governing body for increased salaries. Neither the governing body's preliminary discussion of the request nor the negotiations between representatives of the employees' group and the governing body may be conducted in closed session because the group of employees is not a "bargaining unit" or "representatives of the collective bargaining unit."

Example 51:

The governing board of a local school district receives a request from a local chapter of the state's leading teacher's organization to collectively bargain on behalf of teachers in the district. The organization has been certified by the local labor relations board as the teacher's exclusive representative. Discussion of the

bargaining request may be conducted in closed session.

Commentary

Before the exception will apply, there must be a labor organization and bargaining unit of the public body's employees in existence. In other words, the exception does not cover discussions of general collective bargaining policy by the public body in anticipation of potential negotiations in the future.

Example 52:

A school board is debating whether to establish a local labor relations board and has before it a draft labor/management relations resolution that would create, and establish procedures for, the local board. At this time, no bargaining unit or representative has proposed negotiations, and the board would be discussing only general collective bargaining policy to be applied in the event such bargaining occurs. Therefore, under the collective bargaining exception to the Act, the discussion must occur in an open meeting and the school board may not go into executive session to discuss the resolution.

Commentary

Collective bargaining by public employees generally is governed by the Public Employees Bargaining Act, NMSA 1978, ch. 10, art. 7E. Section 10-7E-17(G) of that Act contains a provision allowing closed meetings in circumstances similar to those set forth in the Open Meetings Act. It provides for closure of the following meetings:

- (1) meetings for the discussion of bargaining strategy preliminary to collective bargaining negotiations between a public employer and the exclusive representative of the public employees of the public employer;
- (2) collective bargaining sessions; and

- (3) consultations and impasse resolution procedures at which the public employer and the exclusive representative of the appropriate bargaining unit are present.

While the first two paragraphs are coextensive with the collective bargaining exception of the Open Meetings Act, the third paragraph describes an additional situation where closure is justified.

6. Certain Purchases

The Law

That portion of meetings at which a decision concerning purchases in an amount exceeding two thousand five hundred dollars (\$2,500) that can be made only from one source and that portion of meetings at which the contents of competitive sealed proposals solicited pursuant to the Procurement Code are discussed during the contract negotiation process. The actual approval of purchase of the item or final action regarding the selection of a contractor shall be made in an open meeting.

Commentary

This paragraph authorizes a public body to discuss two types of purchases in closed session. First, the exception permits a closed meeting to discuss:

- (a) a purchase;
- (b) that exceeds \$2,500 in amount; and
- (c) that can only be made from one source.

The final action taken to approve such a purchase must be taken at an open meeting.

Example 53:

The governing board of a municipality is unable to purchase a particular kind of computer equipment compatible with its other equipment

but has finally located a party who is willing to lease the equipment to the municipality for six months. The value of the computer equipment if purchased outright is \$20,000 and the total rental amount of the lease is \$2,000. In determining whether discussion of this lease may occur in closed session, the governing body should consider the following:

(a) Whether the term “purchase” used in the exemption includes leases. Because the legislature did not use a broader term for acquiring property, it might be argued that it did not intend to include pure lease transactions. By contrast, Section 10-15-1(H)(8) of the Act refers to the “purchase, acquisition or disposal” of real property, clearly indicating the legislature’s intent to encompass all means of acquiring real property. Limiting the meaning of purchase also is consistent with the presumptions that all meetings of a public body are open and that the exceptions be construed narrowly. On the other hand, the terms “purchases” and “one source” in the exception indicate that the legislature had the Public Purchases Act (now the Procurement Code) in mind when it drafted the exemption. At that time, the Public Purchases Act broadly defined “purchasing” as “procuring” materials and services. There also is no obvious policy reason for including purchases but not leases within the exemption. Accordingly, it is reasonable to conclude that, when it drafted the exemption, the legislature intended that the term “purchases” be employed broadly to include leases.

(b) The amount of the lease. Regardless of the value of the computer, the amount actually to be expended by the municipality pursuant to the lease is \$2,000.

(c) Available sources. Under these facts, there would appear to be only a single source.

The governing body could not discuss this lease in closed session because, although the transaction arguably may be a purchase for purposes of the exception and can be made from

only one source, the amount to be expended does not exceed \$2,500.

Example 54:

A board of county commissioners is considering the purchase of a particular dump truck for \$30,000. While there are comparable trucks made by several manufacturers that would serve the same purpose, the governing body desires one particular model since it is the same brand as the county’s existing dumpsters. However, as long as there are comparable models available from other sources, this may not be considered a purchase from a single source for purposes of the Act and must be discussed in open session.

Commentary

As with the exception for limited personnel matters, the requirement that the actual approval of the purchase be made in open session may appear to be a mere formality; but again, this requirement makes the particular action taken by the governing body a matter of public record and informs the public about how each member of the body voted.

Example 55:

In closed session, a school board discusses the controversial purchase of a \$2,750 painting of a cougar to hang in the auditorium as the symbol of the high school basketball team. The painting is available from only one artist. The closed session is proper, but when the discussion is concluded, the board must reconvene in open session to vote on the proposed purchase.

Commentary

The second situation where a public body may close a meeting under this paragraph is intended to parallel the similar protection provided under Section 13-1-116 of the Procurement Code. That provision states that the contents of proposals submitted in response to a public agency’s request for proposals “shall not be disclosed so as to be available to competing

offerors during the negotiation process.” In addition to enhancing a public body’s ability to get the best deal, this exception also tends to level the playing field for offerors.

Example 56:

A water district issues a request for proposals for auditing services. It receives six (6) proposals, none of which exactly fit the district’s needs. The district’s governing board may hold a closed session to discuss the offers and decide how to handle negotiations with the individual offerors.

Commentary

Once the negotiating process is finished, there is no longer a need for the exception and the agency’s final action to select a contractor must be taken in an open meeting.

7. Litigation

The Law

Meetings subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant.

Commentary

This exception to the Act is intended to incorporate into the open meetings law the attorney-client privilege protecting confidential communications between attorneys and their public agency clients for the limited purpose of allowing a public body to meet in closed session with legal counsel to discuss threatened or pending litigation involving the public body. Public bodies, no less than private parties to litigation, are entitled to effective representation of counsel, including the opportunity to confer without disclosing the substance of the discussion. However, public bodies may invoke the attorney-client privilege to close a meeting only when the public body is involved in a

lawsuit or faced with an actual or credible threat of litigation. Absent such a threat, the exception does not protect discussions about “possible” or “potential” litigation.

Generally, the public body’s attorney should be present in the closed meeting, either in person or by telephone. In certain limited situations, it may be permissible for a public body to close a meeting to discuss legal advice about litigation that is given by letter or other written memorandum. In all cases, however, to legitimately invoke the pending litigation exception, the closed discussion must involve communications between the public body and its attorney.

Example 57:

A local school board meets to discuss the award of a contract to one of several bidders. The board members would like to close the meeting pursuant to this exception on the theory that it is always possible that one of the unsuccessful bidders may threaten litigation. If there is no actual and credible threat of litigation by one of the bidders, this would be an unwarranted extension of the exception and the meeting may not be closed.

Example 58:

The city council is conducting a hearing on proposed zoning regulations. Several witnesses raise plausible questions about the legality of one of the proposed rules and state that they definitely would challenge the rules in court if adopted. At the hearing or at a later time, the council may meet in closed session with its attorney to evaluate the legality of the proposed rule and make the determination as to whether it could be defended in court.

Example 59:

The attorney for a licensing board feels that a recent Supreme Court decision may affect the validity of certain regulations adopted by the board. Absent a pending lawsuit on this issue in

which the board may participate or an actual threat of litigation, the board and its attorney may not meet in closed session to discuss the impact of the court decision and whether it is necessary to amend the regulations to prevent a possible legal action from being filed against the board.

Example 60:

A municipality and a rancher have both claimed ownership of a particular piece of property. They are attempting to negotiate a settlement of the dispute to avoid having to go to court. The governing body of the municipality properly meets in closed session with its attorney to determine how much they are willing to give up to reach a settlement. Later, at a subsequent meeting, the governing body may go into executive session to discuss a letter from the attorney setting forth the proposed settlement terms and her advice regarding acceptance of the terms.

Example 61:

A teacher who was terminated by a school board has brought an action for breach of contract against the board. The lower court decided in favor of the teacher. The school board and its attorney may meet in closed session to determine whether or not to appeal to a higher court.

Commentary

This exception does not apply only when a public body is sued or is threatened with litigation. It also may be used to close a meeting when the public body wants to consult with its attorney about a lawsuit the public body has initiated or is considering initiating against a defendant.

Example 62:

The result of a lawsuit filed by an individual against another individual will substantially affect a licensing board's ability to apply

certain laws. The board, although not a party to that litigation, may meet in closed session with its attorney to discuss filing a brief as amicus curiae (friend of the court).

Commentary

It is important to note that this exception allows a public body to rely on the attorney-client privilege to close a meeting only when the public body is involved in pending or threatened litigation. There is no exception allowing a public body to rely generally on the attorney-client privilege to close a meeting. Aside from discussions with its attorney that are otherwise excepted from the Act, the public body will either have to hold discussions with its attorney in an open meeting or rely on other means to protect its communications with its attorney that do not violate the Act. For example, the attorney might communicate with each member of the public body individually through one-on-one conversations or letters. Keep in mind, however, that if the attorney's advice is discussed among a quorum of the public body's members--in person, by e-mail, by telephone or otherwise--the discussion must be conducted in accordance with the Act, including the requirements for a public meeting, unless it falls within one of the Act's exceptions.

Example 63:

A five-member state commission wants to make a gift of public money to a worthy charity. The commission's attorney is concerned that the gift may violate the state constitution. She sends a letter to each individual commissioner voicing her concerns. The topic of the gift is placed on the agenda for the next commission meeting. The commissioners' discussion of the gift at that meeting must occur in public, even if they discuss the attorney's advice regarding the gift, because the topic is not covered by one of the Act's exceptions.

8. Real Property and Water Rights

The Law

Meetings for the discussion of the purchase, acquisition or disposal of real property or water rights by the public body.

Commentary

This exception is intended to enable a public body to consider the purchase, acquisition or disposal of real property or water rights without the risk of alerting those who could take action that would result in lost opportunities or greater costs to the public body. The exception applies only to discussions of the proposed transactions it covers. Action on the purchase, acquisition or disposal of real property or water rights by the public body must take place in an open meeting, as required by Section 10-15-1(B).

Example 64:

A board of county commissioners is considering acquiring land for a playground and purchasing playground equipment. The discussion concerning the acquisition of the land may be conducted in closed session. The discussion concerning the purchase of the equipment may not be held in closed session because the equipment is not “real property.”

Example 65:

A city council is considering leasing some of its water rights to another entity. The lease constitutes the “disposal” of water rights and discussion of the transaction may be conducted in closed session.

Example 66:

A state hospital is considering the purchase of an industrial laundry business. If the transaction involves the acquisition of real estate along with the business, the hospital board may discuss that part of the transaction in a private meeting. However, other aspects of the purchase, such as the washing machines, the business’ goodwill, and the operation of the business are not real estate and would not be covered by this exception. These other aspects

would have to be discussed in a public session unless another exception applies, such as the exception for sole source purchases in excess of \$2,500.

9. Public Hospital Board Meetings

The Law

Those portions of meetings of committees or boards of public hospitals where strategic and long-range business plans or trade secrets are discussed.

Commentary

This exception applies to certain topics discussed by public hospital boards and committees. The legislature may have thought that in these limited instances, the policies favoring open meetings were outweighed by considerations such as the hospital’s ability to compete with private health care providers.

Example 67:

The governing board of a county hospital leased to a private corporation meets to discuss its employee drug abuse policies. Unless otherwise excepted by the Act, the discussion must be held in open session because the matters discussed do not involve the board’s strategic or long-range business plans or trade secrets.

10. Gaming Control Board Meetings

The Law

That portion of a meeting of the gaming control board dealing with information made confidential pursuant to the provisions of the Gaming Control Act.

Commentary

This exception applies only to meetings conducted by the Gaming Control Board and

permits the Board to hold a closed meeting to discuss information that is confidential under the Gaming Control Act, NMSA 1978, Sections 60-2E-1 to -61. Information made confidential under the Gaming Control Act includes “confidential security and investigative information,” and confidential information, documents or communications of an applicant or licensee required by law, Board regulations or a subpoena. *See* NMSA 1978, Sections 60-2E-6(C), 60-2E-41.

I. Closed Meetings

Commentary

Before meeting in closed session, a public body must follow the procedures specified in Section 10-15-1(I) of the Act. As discussed below, there are different procedures for closing an open meeting and for holding a closed meeting separately from an open meeting.

1. Closing an Open Meeting

The Law

If any meeting is closed pursuant to the exclusions contained in Subsection H of this section, the closure:

(1) If made in an open meeting, shall be approved by a majority vote of a quorum of the policymaking body; the authority for the closure and the subject to be discussed shall be stated with reasonable specificity in the motion calling for the vote on a closed meeting; the vote shall be taken in an open meeting; and the vote of each individual member shall be recorded in the minutes. Only those subjects announced or voted upon prior to closure by the policymaking body may be discussed in a closed meeting.

Commentary

The agenda of a meeting of a public body normally covers various topics, some of which may fall within the enumerated exceptions to

the open meeting requirement of the Act. When an item is presented for discussion that may be considered in closed session, a motion for closure must be made by a member of the public body stating the authority for closure and the reason for closing the meeting with reasonable specificity. The subject announced will comply with the “reasonable specificity” requirement if it provides sufficient information to give the public a general idea about what will be discussed without compromising the confidentiality conferred by the exception. For example, a motion might be stated: “I move that the commission convene in closed session as authorized by the limited personnel matters exception to discuss possible disciplinary action against an employee.” Or, “I move that the board discuss the case of X vs. The County with the board’s attorney in executive session as authorized by Section 10-15-1(H)(7) of the Open Meetings Act.”

A roll call vote of the members present must be taken on the motion and the vote of each individual member recorded in the minutes. If the motion is approved, the public body shall convene in closed session to consider only the item or items covered by the motion voted on prior to closing the meeting.

Example 68:

Item 6 on the agenda of a regular open meeting of a municipality’s governing board states:

“Purchase of Property for New Courthouse.” A member of the governing body moves that the meeting be closed pursuant to Section 10-15-1(H)(8) to consider the purchase of real property for the new courthouse. The motion is duly seconded and a roll call vote is taken. The minutes reflect that each of the members present voted in favor of the motion. This procedure would comply with the requirements for closing an open meeting under the Act.

Example 69:

A city council has been sued for breach of

contract by a former employee. During an open meeting of the council, one member moves to close the meeting to discuss the status of the case with the city attorney, citing both the limited personnel and litigation exceptions. If the council votes to defeat the motion, the matter is discussed in open session. If the motion passes, any final action taken by the council involving the hiring, promotion, demotion, dismissal, assignment or resignation of the former employee must be taken in open session due to the restriction of Section 10-15-1(H)(2). A final decision as to how to defend the charges alleged in the lawsuit, however, could remain confidential under the litigation exception.

Commentary

Unless an action requiring a vote in public is to be taken, the public body may adjourn the public meeting when it goes into closed session and not return to public session after it completes its closed meeting. If the public body does re-open the meeting after a closed session, the public body may follow whatever procedures it deems appropriate. The Act does not have any requirements for returning to open session after a closed session.

2. Closed Meeting Outside an Open Meeting

The Law

If any meeting is closed pursuant to the exclusions contained in Subsection (H) of this section, the closure: ...

(2) If called for when the policymaking body is not in an open meeting, shall not be held until public notice, appropriate under the circumstances, stating the specific provision of the law authorizing the closed meeting and stating with reasonable specificity the subject to be discussed, is given to the members and to the general public.

Commentary

A public body may sometimes need to meet in a special meeting to discuss only a matter that is covered by one of the exceptions defined in Section 10-15-1(H) of the Act. Under those limited circumstances, the public body must give notice of the meeting to its members and to the public in accordance with its policy regarding notice of special meetings or as may be reasonable under the circumstances. Such notice must state the exception to the Act or other legal authority that authorizes the closed meeting and must state the subject to be discussed with reasonable specificity. When noticed properly, these closed meetings may take place without having an open session before or after the meeting.

Example 70:

A county commission's resolution provides that the chair may call a special meeting on 3 days notice by posting the notice of the meeting at the county courthouse and publishing the notice in the local daily newspaper. The chair discovers that the board must make an immediate decision with respect to the purchase of some land in the county and determines that it is necessary to call a special meeting for that purpose. In addition to the date, time and place of the meeting, the notice states the following in compliance with Section 10-15-1(I)(2):

THIS MEETING IS CALLED TO DISCUSS THE PURCHASE OF LAND AND SHALL BE CLOSED TO THE PUBLIC PURSUANT TO NMSA 1978, SECTION 10-15-1(H)(8).

Commentary

At a closed meeting held outside of an open meeting, topics that are not covered in the notice may not be discussed and no ordinary business, such as the approval of minutes from the last meeting, may be conducted.

Example 71:

A member of a municipality's governing board is informed at 6:00 p.m. Sunday that the

municipality's police officers have called for a wildcat strike to show their disapproval of the board's latest salary offer made during a particularly heated collective bargaining session. The strike is planned for Monday morning.

The board's policy for notice of emergency meetings requires the board president to give 24 hours notice by local radio announcement. The board member who received the information calls the board president who gives two hours notice by radio of an emergency closed meeting to discuss collective bargaining strategy and possible legal actions against the police officers.

Due to the board's interest in planning for such a strike with its attorney, preserving the peace, and protecting the municipality's residents from an immediate threat to their security and safety, the two-hour notice is "appropriate under the circumstances."

Commentary

Although not addressed by the Act, one issue that sometimes comes up is whether it is proper for a public body to permit persons other than its members to be present during a closed meeting. There is no single answer to this question, although generally a public body may include anyone it wants in its executive session. In certain circumstances, however, considerations aside from the Act may affect the permissibility of allowing non-members to be present. For example, when a public body holds a closed session pursuant to Section 10-15-1(H)(3) of the Act to deliberate after an administrative adjudicatory proceeding, it probably should exclude other persons (except, perhaps, its attorney) from the closed session. Otherwise, it may give at least the appearance that the public body is improperly and unfairly receiving additional information about the matter before it without the participation of one or more of the parties to the proceeding.

A public body also should use caution when it

permits persons other than the body's members and its attorney to attend a meeting that is closed under the litigation exception in Section 10-15-1(H)(7) of the Act. That exception expressly applies to meetings "subject to the attorney-client privilege," so the public body should consult with its attorney to ensure that the presence of other persons during the closed session will not affect the privilege and, in turn, make the use of the litigation exception improper.

Example 72:

At a teacher disciplinary hearing held by a school board, the superintendent testifies concerning the events resulting in the proceeding. Although the superintendent usually serves as recording secretary for the board, she may not be present during the board's deliberations after the hearing. Because the board may not hear additional evidence after the close of the hearing, the presence of the superintendent, a witness in the hearing, during the closed session could be viewed as an unfair influence on the board's discussion and decision concerning the teacher.

Example 73:

During its regular meeting, a county commission goes into executive session to discuss the purchase of land. It permits members of the public attending the meeting to remain during the closed session except those people the commission knows are vehemently opposed to the purchase. This is not proper since the commission is using the executive session to unreasonably exclude only certain members of the public from what would otherwise be a public meeting.

Example 74:

A state board holds a closed meeting to discuss competitive sealed proposals it has received in response to a request for proposals made according to the Procurement Code. During its closed discussion, the board may permit each

proposer to come before the board one at a time and answer questions concerning its proposal.

J. Statement Regarding Closed Discussions

The Law

Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state that the matters discussed in the closed meeting were limited only to those specified in the motion for closure or in the notice of the separate closed meeting. This statement shall be approved by the public body under Subsection G of this section as part of the minutes.

Commentary

Section 10-15-1(J) is intended to reinforce the requirement that discussions during closed sessions be limited to topics that are expressly excepted from the open meeting requirements. Because closed meetings or executive sessions

are not open, members of the public are naturally curious about their content and suspicious about any perceived misuse of the exceptions allowing closure. Including the required statement in their minutes, will remind public bodies that there are only a few proper justifications for closure and make them less likely to succumb to any temptation to expand closed discussions beyond the topic announced in the motion for or notice of closure.

Example 75:

During its regular monthly meeting, a city council closes its meeting to discuss hiring a city manager. The minutes for the meeting show that a motion was made to go into executive session to discuss hiring a city manager as authorized by the limited personnel matters exception to the Act. The minutes also record the vote of each councilor on the motion to go into executive session. Finally, the minutes state, as required by Section 10-15-1(J) of the Act: “The only matter discussed during the closed session was the hiring of a city manager.”

IV. Section 10-15-2. State Legislature; Meetings

A. Meetings of Committees and Policymaking Bodies of the Legislature

The Law

Unless otherwise provided by Joint House and Senate Rule, all meetings of any committee or policymaking body of the legislature held for the purpose of discussing public business or for the purpose of taking any action within the authority of or the delegated authority of the committee or body are declared to be public meetings open to the public at all times. Reasonable notice of meetings shall be given to the public by publication or by the presiding officer of each house prior to the time the meeting is scheduled.

Commentary

Article IV, Section 12 of the New Mexico Constitution requires that all sessions of each house of the legislature be open to the public. Section 10-15-2(A) provides that all meetings of any committee or policymaking body of the state legislature held for the purpose of: (a) discussing public business, or (b) taking any action within the authority of the committee or policymaking body, shall be open to the public as well. However, Subsection A must be read in conjunction with Subsection C of this section which provides that: “For the purposes of this section, ‘meeting’ means a gathering of a quorum of the members of a standing committee or conference committee held for the purpose of taking any action within the authority of the committee or body.”

Thus, the open meeting requirement of Subsection

A really only applies to meetings of a standing or conference committee of the legislature.

Standing committees are formed by the senate or house, or by statute, to assist the senate or house in accomplishing their duties. Standing committees convene during the legislative session and interim committees include those that meet on a regular basis between legislative sessions. Conference committees are called upon during a legislative session to resolve disagreements on a particular bill.

Notice of a legislative committee meeting must be provided to the public before the meeting is held.

Example 76:

A meeting of the party leadership of either party of the state legislature is not subject to this provision as those legislators do not constitute a standing committee of the state legislature.

Example 77:

A meeting of the staff for the Senate Finance Committee is not subject to this provision as the staff analysts are not legislators and therefore do not constitute a standing or conference committee of the state legislature.

Example 78:

A reception at which a quorum of the members of the House Judiciary Committee is present is not subject to this provision because this is not a gathering called by the presiding officer of the committee and the members have not met for the purpose of discussing public business or taking official action.

Example 79:

The Chairman of the Legislative Finance Committee, an interim committee, calls a meeting to discuss a study of county and municipal finances ordered by a joint resolution during the previous legislative session. An open meeting must be held.

Example 80:

During a legislative session, the house standing committee on education and the senate standing committee on education have been unable to resolve a major issue on a bill that has been sent back to the house by the senate several times. Testimony and remarks from the public has been lengthy and disruptive. A conference committee of senior members from both the senate's and the house's standing education committees was created in an attempt to negotiate language that the house will approve. The conference committee meeting must be open to the public and preceded by reasonable notice to the public.

B. ExceptionsThe Law

The provisions of Subsection A of this section do not apply to matters relating to personnel or matters adjudicatory in nature or to investigative or quasi-judicial proceedings relating to ethics and conduct or to a caucus of a political party.

Commentary

This Subsection permits standing committees of the legislature to meet in closed session to discuss matters relating to personnel; adjudicatory matters; and investigative or quasi-judicial proceedings relating to ethics and conduct.

The exception for “matters relating to personnel” is broader than the “limited personnel matters” exception under Section 10-15-1(H)(2). Thus, a legislative committee may hold a closed meeting

to discuss personnel matters not directly related to an individual employee. See State v. Hernandez, 89 N.M. 698, 556 P.2d 1174 (1976) (discussing predecessor open meetings law that permitted closed meetings to discuss “personnel matters” without defining that term).

Example 81:

The Committee of the Senate meets to discuss and approve a policy for hiring persons recommended by the Chief Clerk of the Senate to work during the legislative session. This meeting may be closed. By contrast, public bodies subject to the limited personnel matters exception in Section 10-15-1(H)(2) would have to discuss the same topic in an open meeting because it does not relate to an individual employee.

Commentary

The Act does not define “matters adjudicatory in nature” that a standing committee might discuss in a closed session, but generally the term refers to hearings and other proceedings in court.

Subsection B also excepts investigative or quasi-judicial proceedings relating to ethics or conduct from the public meeting requirement. The New Mexico Constitution has conferred on the legislature certain functions that may properly be considered quasi-judicial. For example, the power to impeach state officers is vested in the House of Representatives and the impeachment is tried by the Senate. See New Mexico Constitution, Article IV, Sections 35 and 36. Thus, the presiding officer of a standing committee might call a closed meeting to discuss the impeachment of a state officer. The Act would not apply to the actual impeachment and trial, and would not justify closing proceedings required to be public by Article IV, Section 12 of the New Mexico Constitution or other authority.

Subsection B expressly excludes political party caucuses from the public meeting requirement applicable to standing and conference committees of the legislature.

C. Definition of “Meeting”

The Law

For the purposes of this section, “meeting” means a gathering of a quorum of the members of a standing committee or conference committee held for the purpose of taking any action within the authority of the committee or body.

Commentary

See Section IV.A.

V. Section 10-15-3. Invalid Actions; Standing

A. Invalid Actions

The Law

No resolution, rule, regulation, ordinance or action of any board, commission, committee or other policymaking body shall be valid unless taken or made at a meeting held in accordance with the requirements of NMSA 1978, Section 10-15-1. Every resolution, rule, regulation, ordinance or action of any board, commission, committee or other policymaking body shall be presumed to have been taken or made at a meeting held in accordance with the requirements of NMSA 1978, Section 10-15-1.

Commentary

This provision establishes a presumption that actions taken by public bodies have been taken at meetings that conform to the requirements of the Act. Where this is shown not to be the case, the actions of a public body may be held invalid.

Example 82:

A state board with rulemaking authority meets in closed session with its attorney to discuss the legality of its Rule X. The attorney advises that Rule X is probably illegal. The board votes in closed session to rescind the rule. The action of the board is of no effect because it did not relate directly to the litigation and was not taken in open session. In order for the rescission to be valid and enforceable, it must be accomplished at a properly noticed open meeting.

Example 83:

A board of county commissioners decides to purchase a piece of land from Mr. Ortiz and enters into an agreement to that effect. Mr. Ortiz later discovers he can sell the land to Mr. Jones for a

better price and attempts to invalidate the agreement by alleging that the board improperly closed the meeting for the discussion of the purchase. Under the presumption created by Section 10-15-3(A) of the Act, the agreement is valid and binding on Mr. Ortiz until it is admitted or proven that the board failed to act in accordance with Section 10-15-1 of the Act.

Commentary

The presumption of validity established by Section 10-15-3(A) of the Act means that any action taken by a public body will stand as valid with respect to the Act unless challenged and proven otherwise. The Act does not, however, specify a time beyond which an action may no longer be challenged. Such a limitation on actions brought to challenge the validity of any rule, regulation, resolution, ordinance or other action taken by a public body will be found in the statutes of limitation enacted by the legislature. Thus, for example, criminal actions brought under Section 10-15-4 of the Act (*see* Section VI) probably would be barred after two years from the time the violation occurred. *See* NMSA 1978, Section 30-1-8. Most other non-criminal actions authorized by the Act, unless covered by a more specific statutory limitations period applicable to the public body, would be barred after four (4) years. *See* NMSA 1978, Section 37-1-4.

B. Enforcement

The Law

All provisions of the Open Meetings Act shall be enforced by the attorney general or by the district attorney in the county of jurisdiction. However, nothing in that act shall prevent an individual from independently applying for enforcement through the district courts, provided that the individual first provides

written notice of the claimed violation to the public body and that the public body has denied or not acted on the claim within fifteen days of receiving it. A public meeting held to address a claimed violation of the Open Meetings Act shall include a summary of comments made at the meeting at which the claimed violation occurred.

Commentary

This Subsection charges the Attorney General and district attorneys with the concurrent duty of enforcing the Act. Since enforcement carries with it the duty to interpret the Act, the Attorney General has issued this Compliance Guide so that public bodies that adhere to the interpretations of the Act presented in this Guide may conduct their affairs in substantial compliance with the Act. Of course, such a guide cannot anticipate all problems or questions that will arise in the course of governmental affairs. Questions raised by a public body about compliance should therefore be initially addressed to the attorney for the public body. If the public body's attorney is unclear about how to proceed, questions may then be addressed to the Office of the Attorney General. It is, however, the Attorney General's intent that this Guide help resolve recurring questions concerning the applicability of the Act.

A person who believes the Act has been violated may report the suspected violation in writing to the appropriate district attorney or to this Office for investigation and suitable action. The complaint should specify in detail the circumstances giving rise to the alleged violation, including dates and the persons involved. The Attorney General's enforcement power will not be used, however, to resolve the internal disputes and disagreements of a public body or public displeasure with a body's exercise of its discretionary authority.

The Attorney General will exercise discretion when considering whether or not to void actions of public bodies and to bring misdemeanor charges for alleged violations of the Act. Unintentional failure to comply with the provisions of the Act may render the actions taken invalid, but will not

necessarily lead to prosecution. It is the intent of the Attorney General to prosecute misdemeanors only in the case of knowing and either flagrant or repeated violations of the requirements of the Act. The Attorney General will not prosecute where there has been a good faith attempt to comply with the Act.

Example 84:

A city council's notice resolution provides that it shall give public notice of all regular meetings by publication in the local newspaper as well as by posting notice on the three bulletin boards in City Hall. Following an open meeting at which a controversial zoning variance was granted and at which several hundred people appeared to express their views, an opponent of the variance determines that the notice of the meeting, while properly published, was posted on only two bulletin boards. The individual requests that the Attorney General declare the variance invalid and prosecute the city councilors. The Attorney General investigates and determines that the failure to post the notice on the third bulletin board was inadvertent and that the public was adequately notified of the meeting. The Attorney General, within his discretion, declines to declare the council's action invalid or to prosecute the city councilors.

Commentary

In most cases, if a violation is found, the Attorney General will enforce the Act by first advising the public body that, in his opinion, the actions taken at a particular meeting of the public body were not in compliance with the Act and are consequently not valid. Unless the violation was part of a pattern or practice of Open Meetings Act violations, the public body would then be advised to begin again and to consider the intended actions in accordance with the provisions of the Act. This could involve re-discussing issues previously addressed as well as voting again on matters previously voted on in violation of the Act. Should the public body, after such notification, refuse to reconsider its actions in a proper manner or otherwise indicate its intention to continue violating the Act, the Attorney General may file criminal charges or take other action

against the public body or those persons allegedly in violation of the Act.

Example 85:

The board of regents of a state educational institution meets in closed session with its attorney pursuant to Section 10-15-1(H)(7) of the Act and takes final action to adopt regulations affecting the student body. The student council reports this action to the Attorney General who finds that there was no threatened or pending litigation discussed. The meeting should not have been closed. The Attorney General notifies the regents of these findings and advises them to suspend the regulations and reconsider them in an open session where representatives of the student body may attend and listen to the discussion. The regents comply with this advice and no prosecution is initiated.

Example 86:

Two members of a local school board want to replace the superintendent and three members want to retain him. The board members discuss the question of the superintendent's contract in a properly called closed session and the final action to renew the superintendent's contract is taken by vote in open session. The two dissenting members now want to invalidate the renewal, and report a violation of the Act alleging that the other three members discussed budgetary matters as well as the superintendent's contract in closed session. They demand an investigation by the Attorney General. If it turns out that the budgetary matters discussed necessarily related to the superintendent's contract, the Attorney General would not involve his Office in this manner to participate in a dispute between factions of a board.

Commentary

As an alternative to seeking a legal remedy through the Attorney General or district attorneys, Section 10-15-3(B) of the Act permits any individual to apply for enforcement in the district court. Before an individual initiates a lawsuit against a public body for a violation of the Act:

(1) the individual must provide the public body with written notice of the claimed violation; and

(2) the public body must have denied or failed to act on the claimed violation within fifteen (15) days of receiving the notice.

The Act does not specify the procedure for providing written notice of an alleged violation to a public body. To avoid confusion about whether or not a public body received the required written notice, an individual might mail the notice to one or more members of the public body, or to other officials representing the public body who can reasonably be expected to alert the public body about the claim. It is only after the public body denies the allegation or fails to act on the alleged violation within fifteen days of receiving the written notice that an individual may go to district court to file legal action.

Example 87:

A county citizen writes to the Office of the Attorney General complaining that the county commission violated the Act by holding a secret meeting to discuss economic development within the county. In her complaint, the citizen states that she discussed the violation with the county manager in a telephone conversation. Two days after writing to the Office of the Attorney General, the citizen files a lawsuit in district court against the county commission based on the same claimed violation. The lawsuit is not proper unless, prior to filing it, the citizen also gave the county commission written notice of the claimed violation and the county commission denied or failed to address the violation within fifteen days of receiving the notice. The notice to the county manager would not be considered sufficient to meet the requirements of the Act because it was verbal rather than written.

Commentary

A public body that receives written notice of a claimed violation has fifteen days from the day it receives the notice to cure the violation if the public body decides the claim is valid and wants to avoid a lawsuit. At a meeting held to address the

claimed violation, the public body must include a summary of the comments that were made at the meeting where the violation occurred. This does not mean that the public body must necessarily repeat the entire previous meeting. It only needs to summarize the portion or portions of the previous meeting that violated the Act.

Example 88:

A state licensing board holds its regular meeting in May. The meeting is properly noticed and the agenda for the meeting is available to the public seventy-two (72) hours in advance of the meeting. During the meeting, the board votes to award a contract for a hearing officer.

A few days later, Mr. Grey writes to the chair of the board alleging that the contract award was invalid because it was not listed on the meeting agenda. The chair determines that Mr. Grey is correct and schedules a special meeting of the board within fifteen days of receiving Mr. Grey's letter. Proper notice of the meeting is provided to the public and the contract is listed on the agenda. At the meeting, the board repeats its discussion of the contract and votes again to award the contract. This action cures the board's previous violation and precludes any further action concerning the violation in district court.

Example 89:

A town board of trustees holds a meeting without providing any advance notice to the public. A resident of the town notifies the mayor in writing about the violation. Because the board of trustees failed to give prior notice of the meeting, the meeting is invalid and without effect. Within fifteen days after receiving the written notice, the board must, after providing proper notice to the public, convene again, summarize all the comments and proposals made at the previous illegal meeting, and take any action or make any decisions made at the previous meeting over again.

Commentary

In some cases, a violation of the Act cannot be effectively addressed by repeating the action at a

properly conducted open meeting. In those cases, the requirement for a summary of comments is not applicable.

Example 90:

Ms. Rose writes to the chair of the county commission alleging the commission violated the Act because it did not approve the minutes for its May meeting at the next meeting of a quorum as required by Section 10-15-1(G) of the Act. The commission holds a meeting within fifteen days after receiving the notification to address the claimed violation. In this case, the commission agrees that it violated the Act, but because the violation did not occur at the May meeting, the commission cannot cure it by re-taking any action or summarizing any discussion. Instead, it agrees that in the future it will use its best efforts to ensure that minutes are approved at the next meeting of a quorum. Ms. Rose is satisfied with this resolution of her claim.

Commentary

Because the Attorney General and district attorneys cannot be everywhere and resources are limited, private individuals who exercise the option provided under Section 10-15-3(B) of the Act and initiate legal action often will be able to obtain more effective and efficient enforcement of the Act. However, while the power to bring private enforcement actions is important, it is not a means to overturn decisions of a public body made in conformity with the Act, but with which the public disagrees.

Example 91:

A local school board meets in closed session to discuss retaining Mr. Jones as the superintendent. After this discussion, the board reconvenes in open session and takes final action to hire Mr. Jones at a higher salary. Many parents disagree and, after following the procedures specified in Section 10-15-3(B) of the Act, seek an injunction in district court to stop the contract. As the parents' complaint does not involve any violation of the Act, they have not correctly applied Section 10-15-3(B). Therefore, the court rejects their application

for injunctive relief.

C. District Court Jurisdiction

The Law

The district courts of this state shall have jurisdiction, upon the application of any person to enforce the purpose of the Open Meetings Act, by injunction, mandamus or other appropriate order. The court shall award costs and reasonable attorney fees to any person who is successful in bringing a court action to enforce the provisions of the Open Meetings Act. If the prevailing party in a legal action brought under this section is a public body defendant, it shall be awarded court costs. A public body defendant that prevails in a court action brought under this section shall be awarded its reasonable attorney fees from the plaintiff if the plaintiff brought the action without sufficient information and belief that good grounds supported it.

Commentary

This Subsection confers jurisdiction on the district courts to hear questions concerning purported violations of the Act. Should a district court determine that a public body's actions were illegally taken, it may declare them invalid, thereby overcoming the presumption of validity conferred under Section 10-15-3(A) of the Act. The court may issue an order enjoining the public body from implementing its illegal action, an order requiring the public body to take action required by the Act or any other appropriate order.

Example 92:

A city council voted in closed session to sell the furnishings of a city-owned building. Twenty (20) days after the city council receives a citizen's written notice of violation and takes no action to address it, the citizen applies to district court to enjoin the sale because the decision to sell was improperly made in a closed meeting. Only the sale of real property may be considered in closed session. The court enjoins the sale and the decision of the city council is nullified. The council must

reconsider the sale at an open meeting.

Commentary

This Subsection also provides that a district court shall award individuals who prevail in a court proceeding to enforce the Act their court costs and reasonable attorney fees.

Example 93:

Ms. Garcia learns from the president of a local construction company that the town council has awarded the company a contract to build a public swimming pool. Ms. Garcia writes to the mayor alleging that the town council violated the Act because it awarded the contract outside of a public meeting. The mayor reads Ms. Garcia's letter and forwards it to the other councilors. The council does not take any steps to address Ms. Garcia's letter. Fifteen days after the mayor received her letter, Ms. Garcia may file a lawsuit against the council to enforce the Act. If she succeeds in proving that a violation occurred, she will be entitled to an award of costs and reasonable attorney fees.

Commentary

If a public body successfully defends itself against a lawsuit brought to enforce an alleged violation of the Act, the public body defendant is entitled to court costs. A prevailing public body defendant is entitled to attorney fees only if the court determines that the person who brought The Lawsuit did so without any valid basis or support.

Example 94:

Assume the same facts set forth in Example 91. At the hearing on the application for injunctive relief, the school board defends itself by alleging that the parents' claims were not supported by any facts showing a violation of the Open Meetings Act. If the parents brought the lawsuit under the Act without any belief that good grounds supported it, the court may find that the lawsuit was frivolous and, in addition to denying the injunction, award the school board its court costs and reasonable

attorney fees.

D. Other Remedies

The Law

No section of the Open Meetings Act shall be construed to preclude other remedies or rights not relating to the question of open meetings.

Commentary

This Subsection simply makes it clear that the remedies available to challenge a public body's action for violating the Act are not exclusive. The public is not precluded from charging the public body with violation of other laws in connection with the same action.

Example 95:

A board of county commissioners votes to apply the sole source exception stated in Section 10-15-1(H)(6) of the Act to close a meeting to discuss and decide upon the purchase of water fountains from Fountain Company when such fountains are available from other vendors. A competing water fountain vendor alleges that the board violated the Act and files suit to overturn the action. If warranted, the competitor might also allege that the board violated the Procurement Code by failing to take bids on this purchase.

VI. Section 10-15-4. Criminal Penalties

The Law

Any person violating any of the provisions of NMSA 1978, Section 10-15-1 or 10-15-2 is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars (\$500) for each offense.

Commentary

If, after investigating charges that the Act has been violated, the Attorney General finds that the charges are valid and substantial, the Attorney General may initiate a criminal prosecution against each of those persons responsible for the violation. The public officers or employees charged may be held personally responsible for violations of the Act if it is shown that they intentionally acted in a manner that violated the Act. In addition to the members of the public body, other officials responsible for implementing the Act's provisions may be found liable.

Example 96:

A city clerk is required by law to keep all minutes of the governing body of a municipality. The city clerk might therefore be found liable for failure to have draft minutes available for public inspection as required by Section 10-15-1(G) of the Act.

Open Meetings Act Compliance Checklist

Open Meetings (§ 10-15-1 (B))

The Open Meetings Act applies to meetings of public bodies:

_____ At which a quorum of the members of the public body is present in person or by telephone; and

_____ During which the public body will formulate public policy, discuss public business or take action.

If the Open Meetings Act applies, the following checklist will help you comply with its requirements. Notice Requirements (§ 10-15-1 (D) and (F))

Non-emergency meetings

_____ Reasonable advance notice of the meeting has been provided to the public (§ 10-15-1 (D)).

_____ The notice complies with the deadlines and procedures for meeting notices adopted by the public body under Section 10-15-1(D) of the Open Meetings Act.

_____ The notice includes the date, time and location of the meeting.

_____ The notice is published or posted in a place and manner accessible to the public.

_____ Notice has been provided to all FCC licensed broadcast stations and newspapers of general circulation that have provided a written request for notice of meetings (§ 10-15-1 (D)).

_____ The notice includes an agenda or information on how the public may obtain a copy of the agenda (§ 10-15-1 (F)).

Emergency Meetings

Under limited circumstances, an emergency meeting may be held with little advance notice if:

_____ The public body did not expect the circumstances giving rise to the meeting; and

_____ If the public body does not act immediately, injury or damage to persons or property or substantial financial loss to the public body is likely.

Meeting Agenda (§ 10-15-1 (F))

The meeting agenda should:

- _____ Include a list of specific items the public body intends to discuss or transact at the meeting.
- _____ Clearly describe agenda items that the public body intends to discuss or act on during the meeting in order to give adequate public notice.
- _____ Except for an emergency meeting, the agenda is available to the public at least 72 hours before the meeting.
- _____ Except for emergency matters, the public body takes action only on those items specifically listed on the agenda 72 hours before the meeting.

Telephonic Participation (§ 10-15-1 (C))

If a member of the public body participates in a meeting by telephone:

- _____ There must be a law or a rule of the public body authorizing its members to participate by conference telephone or similar communications equipment; and
- _____ It must be “difficult or impossible” for that member to attend the meeting in person; and
- _____ Each member participating telephonically can be identified when speaking, all participants are able to hear each other at the same time, and members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting.

Closed Meetings – Permissible Subjects (§ 10-15-1 (H))

If a public body wishes to hold a closed meeting, it may do so only to engage in one or more of the following:

- _____ Deliberations about the issuance, suspension, renewal or revocation of a license (§ 10-15-1(H)(1)).
- _____ Discussion of the hiring, promotion, demotion, dismissal, assignment or resignation of a public employee, or the investigation or consideration of complaints or charges against a public employee (§ 10-15-1(H)(2)).
- _____ Deliberations in connection with an administrative adjudicatory proceeding held by the public body (§ 10-15-1(H)(3)).
- _____ Discussion of personally identifiable information about an individual student (§ 10-15-1(H)(4)).

- _____ Discussion of collective bargaining strategy prior to negotiations between a public body and a union representing employees of the public body; collective bargaining sessions involving the public body and union (§ 10-15-1(H)(5)); and consultations and impasse resolution procedures at which the public body and the union are present (§ 10-7E-17(G) of the Public Employee Bargaining Act).
- _____ Discussion of a sole source purchase that exceeds \$2,500 or of the contents of competitive sealed proposals during the contract negotiation process (§ 10-15-1(H)(6)).
- _____ Meeting with the public body's attorney pertaining to threatened or pending litigation in which the public body is or may become a participant (§ 10-15-1(H)(7)).
- _____ Discussion of the purchase, acquisition or disposal of real property or water rights (§ 10-15-1(H)(8)).
- _____ For committees or boards of public hospitals only, discussion of strategic or long-range business plans or trade secrets (§ 10-15-1(H)(9)).
- _____ For the Gaming Control Board only, a meeting that deals with information made confidential by the Gaming Control Act (§ 10-15-1(H)(10)).

Closed Sessions – Procedures (§ 10-15-1(I))

To properly close a portion of an open meeting, the following actions must be taken:

- _____ A motion stating the specific provision of law authorizing the closed meeting and a reasonably specific description of the subject to be discussed.
- _____ A roll call vote on the motion to close the meeting in the open session, where the vote of each member is to be recorded in the minutes.
- _____ Only the matters stated in the motion to close are discussed in the closed session.
- _____ Generally, action on an item discussed in a closed session must be taken in an open meeting (§ 10-15-1 (H)).
- _____ After a closed meeting is completed, a statement affirming that the matters discussed in the closed meeting were limited to those stated in the motion to close is recorded in the minutes (§ 10-15-1 (J)).

For closed meetings of a public body held separate from an open meeting, the above criteria apply except:

- _____ Instead of a motion to close, appropriate public notice is provided that includes the specific provision of law authorizing the closed meeting and a reasonably specific description of the subject to be discussed (§ 10-15-1 (I)(2)).

_____ Following completion of the closed meeting, a statement is entered into the minutes of the next open meeting specifying that the matters discussed in the closed meeting were limited to those stated in the notice of the closed meeting (§ 10-15-1 (J)).

Meeting Minutes (§ 10-15-1 (G))

If the meeting is open, written minutes are required. Minutes must contain at least:

_____ The date, time and place of the meeting; and

_____ The names of all members of the public body attending the meeting and of those members who are absent; and

_____ A description of the substance of all proposals considered during the meeting; and

_____ A record of any decisions made and votes taken that shows how each member voted (voting by secret ballot is not permitted).

The following also applies to meeting minutes:

_____ A draft copy of the minutes is prepared within 10 working days of the public meeting.

_____ The minutes are approved, amended or disapproved at the next meeting where a quorum of the public body is present.

_____ All minutes are made available for public inspection.

NMAG.GOV

P.O. Drawer 1508
Santa Fe, NM 87504-1508

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408 Galisteo Street
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Santa Fe, NM 87501
Phone: (505) 490-4060
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Las Cruces, NM 88001
Phone: (575) 339-1120
Fax: (575) 339-1122

Toll Free Number

1-844-255-9210

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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2022-__

INTRODUCED BY:

Councilor Michael Garcia

AN ORDINANCE

AMENDING SECTION 23-5.1 OF SFCC 1987 (BEING ORD. NO. 1981-10, § 3, AS AMENDED) OF THE CITY OF SANTA FE UNIFORM TRAFFIC ORDINANCE RELATED TO BICYCLES TO INCLUDE A DEFINITION FOR ELECTRIC BICYCLES AND TO REGULATE THE USE OF ELECTRIC BICYCLES OR “E-BIKES” ON CITY ROADS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. Section 23-5.1 of SFCC 1987 (being Ord. No. 1981-10, § 3, as amended) is amended to read:

23-5.1 Definitions.

As used in this chapter:

- A. *Artist/artisan* means a person who designs and creates arts or crafts.
- B. *Artwork* means an object for sale by an artist/artisan.

1 C. *Bicycle* means ~~[a vehicle with two (2) wheels tandem, a steering handle, a saddle~~
2 ~~seat, and pedals by which it is propelled]~~ every device propelled by human power, upon which
3 any person may ride, having two or more wheels, except scooters and similar devices.

Commented [EM1]: Placeholder comment to return to with regards to if it is clear whether this incudes skateboards.

4 D. *Canyon Road periphery area* means an area bounded by Paseo de Peralta on the
5 west, the southern right-of-way line of East Alameda Street on the north, East Palace Avenue
6 and Camino del Monte Sol on the east, and Canyon Road and Acequia Madre Street on the south.
7 This area includes both sides of the boundary streets, except along the southern right-of-way line
8 of East Alameda Street. (Editor's Note: A copy of the Canyon Road periphery area can be found
9 at the end of this chapter.)

10 E. *Collective* means a nonprofit organization that shares the use of the license
11 among three (3) to seven (7) nonrelated artists/artisans.

12 F. *Collective license* means a Plaza Park artist/artisan license issued to a collective.

13 G. *Commercial use* means any function or event at which goods, artwork,
14 foodstuffs, merchandise of any kind are offered for sale.

15 H. *Community Days Festival* means a city sponsored event promoting the programs
16 and services offered by local nonprofit organizations, performances by multicultural, youth, and
17 school groups and celebrating the diversity of Santa Fe.

18 I. *Electric Bicycle* means every device upon which a person may ride that is
19 equipped with two or three wheels, pedals for human propulsion, and a motor of no more than
20 seven hundred and fifty (750) watts.

Commented [JN2]: Wikipedia has the best definition of all: "An electric bicycle (e-bike, eBike, etc.) is a motorized bicycle with an integrated electric motor used to assist propulsion."

A moped has a throttle and is in the same classification as a motorcycle.

21 [F]J. *Findings* mean mechanical fittings in a great variety, either commercially
22 available or handmade, used to hold jewelry to the clothing or the person, i.e., ear wires, screw
23 backs, broach pins, chains, gallery bezel wire or hollow beads.

Commented [EM3]: What happens if the motor has more than 750 watts? I.e., the bike becomes...something else?

24 [F]K. *Handmade* means the design and creation of the artwork from raw materials and
25 its finishing and decoration were accomplished by hand labor and by manually controlled

Is it easy to determine the wattage of a motor? If not, this doesn't seem like a good distinguishing feature.

1 methods that permit the maker to control and vary the construction shape, design and/or finish of
2 each individual piece, but does not exclude the use of findings, hand tools and equipment nor
3 does it exclude the hand assembly of premanufactured components in a creative manner.

4 ~~[K]~~L. *Immediate family* means the spouse, children and stepchildren of a Plaza Park
5 artist/artisan. The city may require proof of relationship for family members.

6 ~~[L]~~M. *Individual license* means a Plaza Park artist/artisan license issued to an
7 individual artist/artisan licensee pursuant to the provisions of subsection [23-5.3](#) SFCC 1987.

8 ~~[M]~~N. *Machine made* means the producing or reproducing of artwork in mass
9 production by mechanical processes such as stamping, blanking, weaving, molds or offset
10 printing and other printing methods that allow mass production except as allowed by these
11 regulations.

12 ~~[N]~~O. *Major commercial event* means any commercial use for which the entire Plaza is
13 used.

14 ~~[O]~~P. *Minor rework* means taking a machine made or mass produced item and making
15 only minor additions or changes to the item.

16 ~~[P]~~Q. *Noncommercial use* means any function or event at which nothing is offered for
17 sale and at which no money or other valuable consideration is exchanged for goods or services.
18 This use includes, but is not limited to, patriotic observances, political rallies, televised news
19 media events and motion picture filming activities.

20 ~~[Q]~~R. *Nonprofit organization* means an organization that is registered as a New Mexico
21 nonprofit organization with the New Mexico Public Regulatory Commission.

22 ~~[R]~~S. *Original* means the single, one (1) of a kind, master that can be used as the model
23 for a reproduction.

24 ~~[S]~~T. *Plaza* means that inclusive area bounded on the north by the north curblineline of
25 Palace Avenue running in front of the Palace of the Governors, and on all other sides by the

1 facades of the buildings, excluding portals, or property lines lying to the east, south and west of
2 the Plaza Park as outlined in the map prepared by the city, labeled "Plaza Park Map." (Editor's
3 Note: The Plaza Park Map may be found at the end of this chapter.)

4 [F]U. *Plaza Park* means that inclusive area bounded by the inside back of the curb
5 surrounding the Plaza as outlined in the map prepared by the city, labeled "Plaza Park Map."
6 (Editor's Note: The Plaza Park Map may be found at the end of this chapter.)

7 [U]V. *Plaza Park artist/artisan* means an artist/artisan or an artist/artisan represented
8 by a collective issued a Plaza Park artist/artisan license.

9 [V]W. *Plaza Park artist/artisan license* means a license issued to an artist/artisan by the
10 city for the purpose of commercial sales on the Plaza Park.

11 [W]X. *Plaza periphery area* means an area outside the Plaza Park, not including the
12 Plaza Park, bounded by Sandoval and Grant Streets on the west, Alameda Street on the south,
13 Paseo de Peralta on the east and Marcy Street on the north. This area includes both sides of the
14 boundary streets.

15 [X]Y. *Plaza pushcart vendor* means a vendor who uses a non-permanent, non-
16 motorized cart, barrow or unit that can be pushed by hand for the purpose of selling food products
17 and is authorized by the city to be located in the Plaza Park, the Plaza, excluding the Plaza Park,
18 or at any location in the Plaza periphery area.

19 [Y]Z. *Portrait artist* means a person who creates portraits, cartoons, caricatures, or
20 silhouettes.

21 [Z]AA. *Portrait artist license* means a Plaza Park artist/artisan license issued to a portrait
22 artist.

23 [AA]BB. *Pushcart* means a non-permanent, non-motorized cart, barrow or unit
24 that can be pushed by hand.

1 ~~[BB]~~CC. *Raw materials* mean any material that can be converted by manufacture
2 or processing or a combination of manufacture and processing into a new and useful product.

3 ~~[CC]~~DD. *Recreational object* means any object that can be thrown, kicked or
4 struck, including, but not limited to, balls, frisbees or any object used in game or sport.

5 ~~[DD]~~EE. *Reproduction* means the production of multiples of a single piece, the
6 original or master, applicable to each medium.

7 ~~[EE]~~FF. *Resident of Santa Fe County* means a person whose primary residence is
8 in Santa Fe county. Residency shall be established by any standard identification that proves
9 residency such as a driver's license, passport or voter registration, utility bills or other
10 documentation.

11 ~~[FF]~~GG. *Roller skates or in-line skates* means a shoe with a set of wheels attached
12 for skating over a flat surface.

13 ~~[GG]~~HH. *Rotating license* means a Plaza Park artist/artisan license issued to seven
14 (7) artists/artisans to be used on a rotating basis.

15 ~~[HH]~~II. *Service animal* means any animal trained to assist mobility of impaired, blind, or
16 deaf people or trained for and actively employed by a police department.

17 ~~[H]~~JJ. *Skateboard* means a narrow board about two feet (2') long mounted on roller
18 skate wheels.

19 ~~[JJ]~~KK. *Special event* means an event that is permitted by the city pursuant to
20 subsection 18-8.9 SFCC 1987, Section 23-4 SFCC 1987, subsection 23-5.2 SFCC 1987 or
21 resolution of the governing body.

22 **Section 2. Section 23-5.4 of SFCC 1987 (being Ord. No. 1981-10, § 3, as**
23 **amended) is amended to read:**

24 **23-5.4 Plaza prohibited uses.**

25 A. No person shall:

- 1 (1) Propel or operate a skateboard on the Plaza, as defined;
- 2 (2) Ride a bicycle, electric bicycle, or unicycle within the Plaza Park, as
3 defined;
- 4 (3) Project, throw, kick or strike any type of recreational object except as
5 otherwise permitted within the Plaza Park, as defined; or
- 6 (4) Smoke cigarettes, cigars, pipes or any other similar device that produces
7 smoke and/or odor within the Plaza Park, as defined.

8 B. During major commercial events, the following activities and uses are prohibited
9 on the Plaza, as defined:

- 10 (1) Riding bicycles or unicycles, except by assigned city police officers and
11 paramedics;
- 12 (2) Projecting, throwing, kicking or striking any type of recreational object;
- 13 (3) Permitting or allowing animals to be present, unless the animals are on a
14 leash or otherwise accompanied by a human or unless one of the following applies:
 - 15 (a) Animals are permitted or allowed as part of a designated event,
16 as sanctioned by the city, such as the Rodeo Parade, the Desfile de los Ninos,
17 and the Fiesta Parade; or
 - 18 (b) The animals are service animals; and
- 19 (4) Propelling or operating roller skates or in-line skates.

20 C. Any person who violates any of the provisions of this section shall be punished
21 according to the provisions of Section 1-3 of this Code. It shall be the duty of the police
22 department to enforce diligently the provisions of this section by issuing:

- 23 (1) A warning for the first offense;
- 24 (2) A fifty dollar (\$50.00) fine for the second offense;
- 25 (3) A one hundred dollar (\$100.00) fine for the third offense.

1 D. Notwithstanding the provisions of this section, the playing of hacky sack in the
2 Plaza Park shall not be prohibited in the southeast grassed quadrant of the Plaza Park as long as
3 due care for the safety of the public is exercised. The playing of hacky sack shall not take place
4 on walkways in the Plaza Park.

5 **Section 2. A New Section 12-1-6 of the Uniform Traffic Ordinance (being Ord.
6 No. 2011-4, as amended) is amended to read:**

Commented [EM4]: Something is missing here? What is the new section?

Commented [EM5R5]: Otherwise, the only thing we have done is to not allow electric bikes on the plaza?

7
8 PASSED, APPROVED, and ADOPTED this ____ day of _____, 2022.

9
10
11 _____
12 ALAN WEBBER, MAYOR

13 ATTEST:

14
15 _____
16 KRISTINE MIHELIC, CITY CLERK

17 APPROVED AS TO FORM:
18
19 _____
20 ERIN K. McSHERRY, CITY ATTORNEY

21 *Legislation/2022/Bills/*

MULTI-MODAL TRANSITION PLAN



A plan that aims to help everyone access Santa Fe by public transit, walking, bicycling and parking.



**AUTO DOMINATED
MOBILITY**



**BALANCED
MOBILITY**



ANALYZE



ENGAGE PUBLIC



DRAFT RECOMMENDATIONS

SANTA FE TRAILS
5 YEAR TRANSIT
SERVICE PLAN

PARKING
MANAGEMENT AND
POLICY
ON-STREET AND
OFF -STREET

ACTIVE TRANSPORTATION
WALKING
BIKING





- Scope of Work Developed
- RFP Let

2019



2020

- LSC, Inc, Groundwork Studio, Alta Planning and Walker Consultants Selected
- Pandemic delays start



- Work Commences

2021



2022

- January draft complete
- Review and approval process commences



WHAT
PROBLEMS ARE
WE TRYING TO
ADDRESS?

SAFETY

GHG

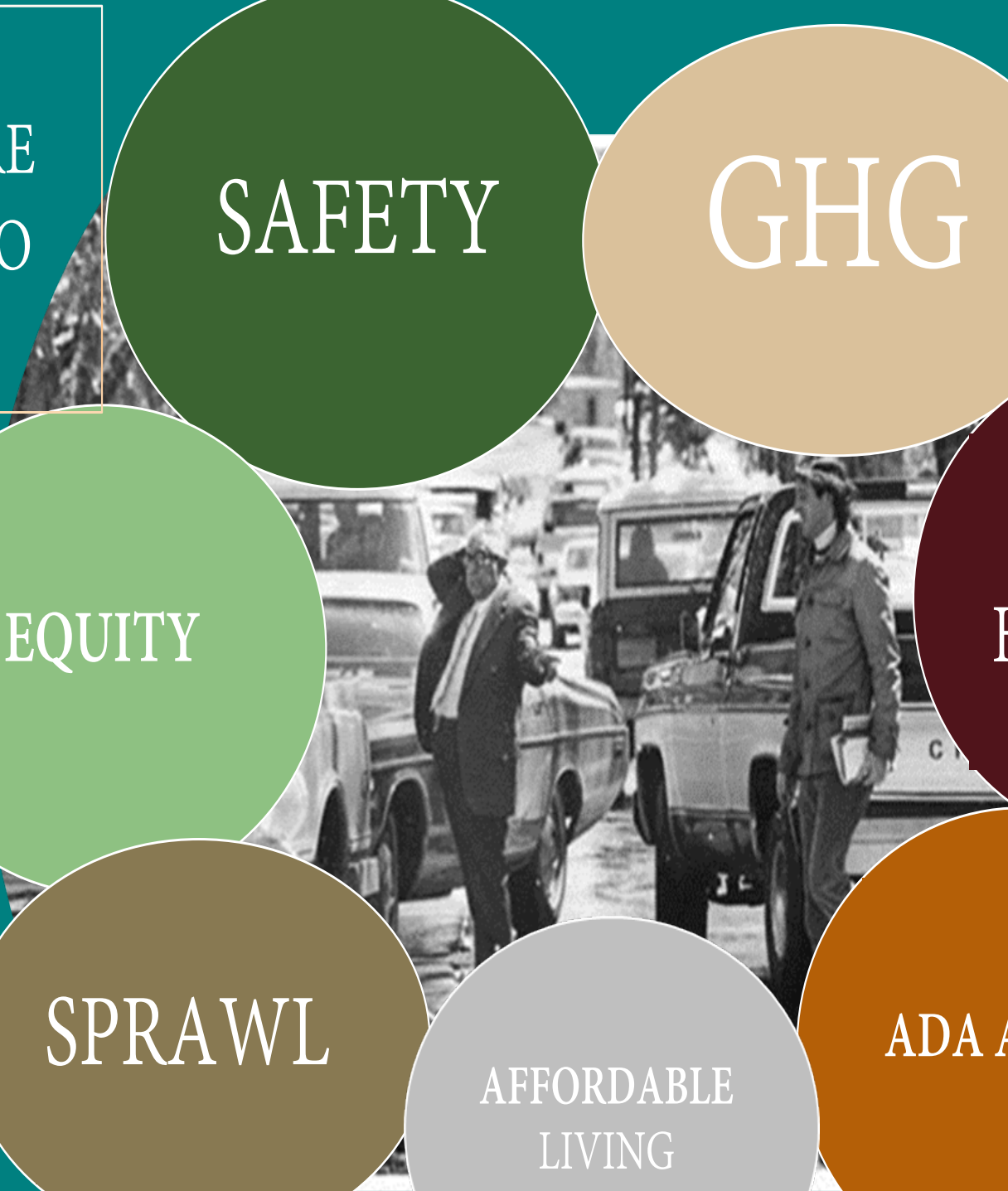
EQUITY

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HEALTH

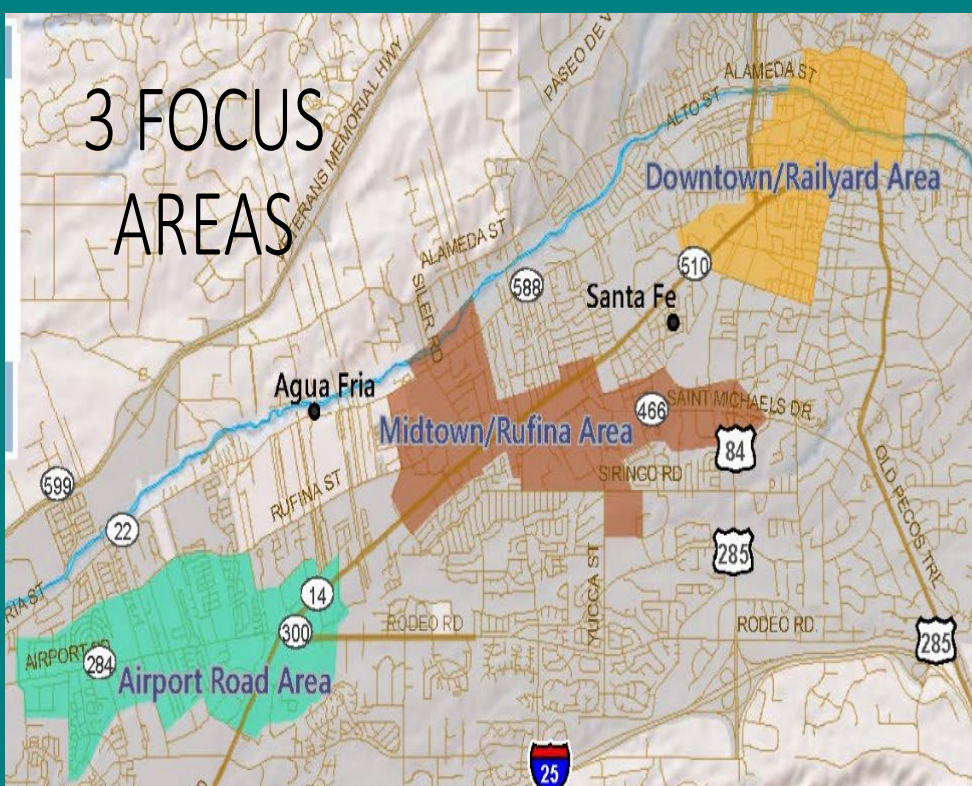
SPRAWL

AFFORDABLE
LIVING

ADA ACCESS



3 FOCUS AREAS



DOWNTOWN

MANAGED
ON-STREET
PARKING

WALKABLE/BIKEABLE

MIDTOWN

MOSTLY ROADS
NOT STREETS

OVERBUILT
OFF-STREET
FREE PARKING

HIGHEST DENSITY PER
HOUSEHOLD

AIRPORT ROAD

HIGHEST GROWTH
RATE

GENERAL THEMES

TRANSIT

Fixed Route
Modifications

On-Demand
Paratransit
Microtransit

PARKING

Off-Street Managed
Parking

On-Street Parking
Regulations –
Minimums

ACTIVE TRANSPORTATION

Pedestrian Safety/ADA
Improvements
Road/Intersection Design

Bikeway Improvements
Road/Intersection Design



What People Want...

*5,674 Survey Responses - Transit Driver Workshop
Stakeholder/Focus Groups and Project Website*

- Remove Barriers & Increase Access to Transit, Walking and Bicycling
- Students would take cars less with support from peers & parents & increased guidance
- Reduce time for transit & more people will use it.
- Public Parking: Make it easier & more pleasant to walk/bike, reduce vehicle congestion, make it easier to find parking.

Top Recommendations

TRANSIT

Expand Saturday Service

Revise Routes 1 and 4 to
Serve Midtown /Consider
Midtown Hub

Transit Signal Prioritization

Begin Microtransit service

Expand Service to Tierra
Contenta and Los Soleras

PARKING

Responsive Parking

Update Land Use Code
Parking Minimums

Establish Parking
Maximums

Introduce Options to
Reduce Parking Spaces

Incentivize Shared
Parking

ACTIVE TRANSPORT

Update Code Design Standards

Local Design Standards
Move Away from DOT Standards

High Visibility Cross Walks

Wayfinding

Buffered Bike Lanes & Markings

Institutionalize Ped/Bike Counts

TRANSIT SERVICE PLAN PROPOSED ROUTE MODIFICATIONS

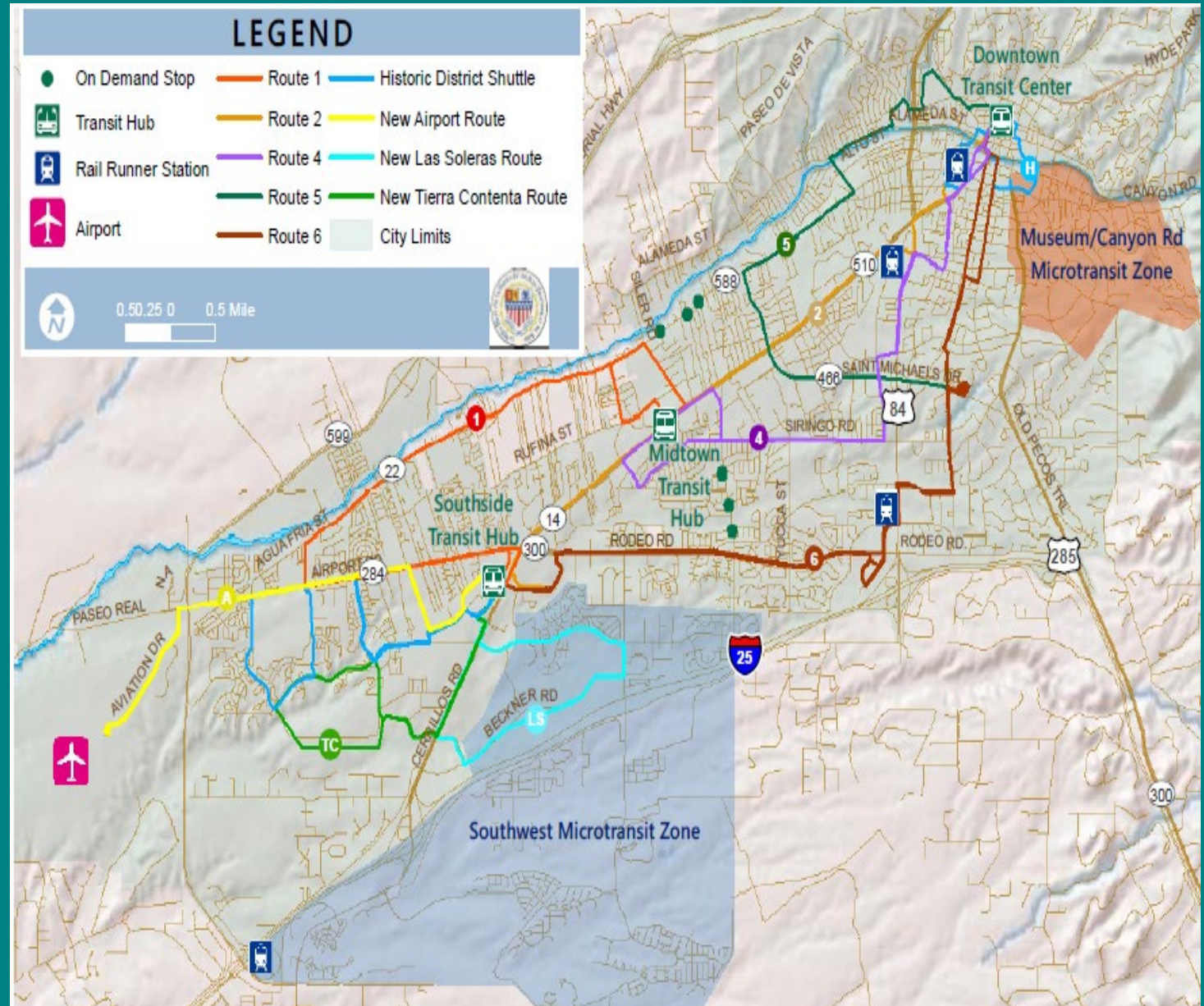
On-Demand
Midtown Hub

Route 1 – Reroute

Airport Route

Las Soleras Route

Tierra Contenta
Route



The Arc of Implementation

Implement Core Policy & Regulatory Recommendations

(Parking Mins, Parking Demand Management, Code Design Standards, Update Zoning Code that incentivizes transit, walk, bike, Implement Key Plans – ADA Transition, 2040 Sustainability, MPO Master Plans, Transit Route Modifications and Microtransit)

Diversify Long-Term Funding Portfolio



- Local Roads
- State/Fed Roads
- Transit
- Active Transportation
- Road Reconstruction
- Pedestrian Safety

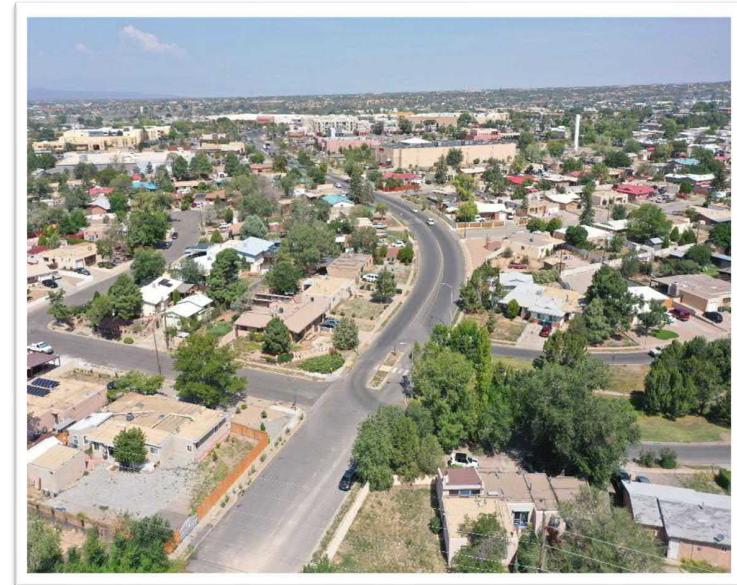
Phase B Detailed Evaluation of Alternatives

ARROYO DE LOS CHAMISOS CROSSING

Rodeo Road to Cerrillos Road

City of Santa Fe Project: 19-0127

DRAFT REPORT



Submitted to:



City of Santa Fe
Public Works Department

Submitted by:



In Association with:

YeDoma Consultants, LLC

March 2022



TABLE OF CONTENTS

Description	Page	Description	Page
EXECUTIVE SUMMARY	ES-1	<i>Arroyo de los Chamisos Crossing</i>	<i>4-9</i>
CHAPTER 1 - INTRODUCTION	1-1	Concrete Box Culvert Alternative - ADLC	4-9
PURPOSE AND NEED	1-2	Concrete Slab Bridge Alternative - ADLC	4-10
<i>Roadway System Connectivity</i>	<i>1-2</i>	<i>Arroyo de los Pinos Crossing</i>	<i>4-10</i>
<i>Multi-Modal Connectivity</i>	<i>1-2</i>	Concrete Box Culvert Alternative - ADLP	4-10
PHASE B DOCUMENT OVERVIEW	1-2	Concrete Slab Bridge Alternative - ADLP	4-11
CHAPTER 2 – DESCRIPTION OF ALTERNATIVES	2-1	DRAINAGE	4-11
NO BUILD ALTERNATIVE	2-1	<i>Data Collection</i>	<i>4-11</i>
BUILD ALTERNATIVES	2-1	Drainage Infrastructure	4-11
<i>Functional Classification</i>	<i>2-1</i>	Topography.....	4-13
<i>Traffic Calming</i>	<i>2-1</i>	Soil Types.....	4-13
<i>Multi-Modal Features</i>	<i>2-1</i>	<i>Regulations and Guidance.....</i>	<i>4-13</i>
<i>Lighting</i>	<i>2-1</i>	Federal Emergency Management Agency.....	4-13
<i>Build Alternative Segments</i>	<i>2-1</i>	New Mexico Department of Transportation (NMDOT)	4-13
Rodeo Road to Richards Avenue/Fire Station Road	2-2	Local Ordinance	4-14
Richards Avenue/Fire Station Road to Siringo Road	2-2	<i>Data Gaps and Ongoing Coordination.....</i>	<i>4-14</i>
Siringo Road to James Street.....	2-3	<i>Conceptual Design and Evaluation</i>	<i>4-14</i>
James Street to Cerrillos Road.....	2-3	Existing Drainage Patterns.....	4-14
Major Intersections	2-3	Drainage Design Criteria	4-14
CHAPTER 3 – PUBLIC AND STAKEHOLDER COORDINATION	3-1	Proposed Drainage Patterns.....	4-15
PUBLIC MEETING	3-1	Proposed Drainage Infrastructure	4-15
CITY COUNCIL BRIEFINGS	3-1	<i>Next Steps for Drainage.....</i>	<i>4-16</i>
AGENCY COORDINATION.....	3-1	GEOTECHNICAL.....	4-16
PHOTO SIMULATIONS FOR PUBLIC INVOLVEMENT.....	3-1	<i>Potential Exploration Plan Map.....</i>	<i>4-16</i>
CHAPTER 4 – EVALUATION OF ALTERNATIVES	4-1	UTILITIES.....	4-18
ROADWAY	4-1	RIGHT-OF-WAY.....	4-18
TRAFFIC.....	4-1	<i>Apparent Right-of-Way Limits</i>	<i>4-18</i>
<i>Existing Conditions.....</i>	<i>4-1</i>	<i>Proposed ROW Conditions.....</i>	<i>4-19</i>
Traffic Counts	4-1	Encroachments.....	4-19
Existing Levels of Service	4-2	Potential Prescriptive Use Sidewalks	4-19
<i>2040 No Build Scenario Traffic Analysis</i>	<i>4-2</i>	ENVIRONMENTAL.....	4-19
2040 No Build Traffic Projections	4-2	PUBLIC AND STAKEHOLDER SUPPORT.....	4-20
2040 No Build Intersection Capacity Analysis	4-3	ESTIMATES OF PROBABLE COSTS.....	4-20
<i>2040 Build Scenario Traffic Analysis</i>	<i>4-3</i>	SELECTION OF A PREFERRED ALTERNATIVE	4-20
2040 Build Traffic Projections.....	4-3	CHAPTER 5 – PREFERRED ALTERNATIVE AND PHASING PLAN	5-1
2040 Build Intersection Capacity Analysis.....	4-3	DESCRIPTION OF PREFERRED ALTERNATIVE	5-1
<i>2040 Build Intersection Improvement Alternative Analysis</i>	<i>4-4</i>	POTENTIAL PRIORITY PHASING PLAN	5-1
Signalized Intersections.....	4-4	<i>Utility Work</i>	<i>5-1</i>
Unsignalized Intersections	4-5	<i>T/LPA Project</i>	<i>5-1</i>
<i>Recommendations for Intersection Improvements.....</i>	<i>4-6</i>	ENVIRONMENTAL CLEARANCE LEVEL OF EFFORT	5-1
<i>Conclusions</i>	<i>4-6</i>	ATTACHED APPENDICES	
CONCEPTUAL LAYOUTS OF INTERSECTION IMPROVEMENTS	4-6	APPENDIX A BUILD ALTERNATIVE 1 CONCEPTUAL DESIGN PLANS	
STREETLIGHT BIG DATA	4-8	APPENDIX B BUILD ALTERNATIVE 2 CONCEPTUAL DESIGN PLANS	
MAJOR STRUCTURES.....	4-9	APPENDIX C CONCEPTUAL CONSTRUCTION COST ESTIMATES	
<i>Concrete Box Culverts and Concrete Slab Bridges.....</i>	<i>4-9</i>		



LIST OF EXHIBITS

Description	Page
EXHIBIT 1-1, MAP OF PROJECT LIMITS.....	1-1
EXHIBIT 1-3, MAP OF PEDESTRIAN AND BICYCLE FACILITIES.....	1-2
EXHIBIT 2-1, TYPICAL SECTION FROM RODEO ROAD TO CAMINO DEL PRADO – BUILD ALTERNATIVES 1 AND 2	2-2
EXHIBIT 2-2, PROPOSED TYPICAL SECTIONS FROM FIRE STATION ROAD TO SIRINGO ROAD – BUILD ALTERNATIVE 1	2-2
EXHIBIT 2-3, PROPOSED TYPICAL SECTIONS FROM FIRE STATION ROAD TO SIRINGO ROAD – BUILD ALTERNATIVE 2	2-3
EXHIBIT 2-4, PROPOSED TYPICAL SECTIONS FROM SIRINGO ROAD TO JAMES STREET – BUILD ALTERNATIVE 1	2-4
EXHIBIT 2-5, PROPOSED TYPICAL SECTIONS FROM SIRINGO ROAD TO JAMES STREET – BUILD ALTERNATIVE 2	2-4
EXHIBIT 2-6, PROPOSED TYPICAL SECTIONS FROM JAMES STREET TO CERRILLOS ROAD – BUILD ALTERNATIVES 1 AND 2	2-5
EXHIBIT 3-1, NORTH VIEW PHOTO SIMULATION.....	3-2
EXHIBIT 3-2, NORTHEAST VIEW PHOTO SIMULATION.....	3-2
EXHIBIT 3-3, EAST VIEW PHOTO SIMULATION	3-3
EXHIBIT 3-4, SOUTH VIEW PHOTO SIMULATION	3-3
EXHIBIT 3-5, NORTHWEST VIEW PHOTO SIMULATION	3-4
EXHIBIT 4-1, AM AND PM PEAK-HOUR INTERSECTION TURN MOVEMENT VOLUMES – EXISTING CONDITIONS	4-1
EXHIBIT 4-2, LEVEL OF SERVICE (LOS) DEFINITIONS	4-2
EXHIBIT 4-3, 2021 EXISTING SIGNALIZED INTERSECTION RESULTS	4-2
EXHIBIT 4-4, 2021 EXISTING UNSIGNALIZED INTERSECTION RESULTS	4-2
EXHIBIT 4-5, AM AND PM PEAK-HOUR INTERSECTION TURN MOVEMENT VOLUMES – 2040 NO BUILD SCENARIO	4-3
EXHIBIT 4-6, 2040 NO BUILD SIGNALIZED INTERSECTION RESULTS	4-3
EXHIBIT 4-7, 2040 NO BUILD UNSIGNALIZED INTERSECTION RESULTS	4-3
EXHIBIT 4-8, AM AND PM PEAK-HOUR INTERSECTION TURN MOVEMENT VOLUMES – 2040 BUILD SCENARIO	4-4
EXHIBIT 4-9, 2040 BUILD SIGNALIZED INTERSECTION RESULTS WITH EXISTING LANE CONFIGURATIONS	4-4
EXHIBIT 4-10, 2040 BUILD UNSIGNALIZED INTERSECTION RESULTS	4-4
EXHIBIT 4-11, 2040 BUILD ALTERNATIVES – RICHARDS AVENUE AND CERRILLOS ROAD.....	4-5
EXHIBIT 4-12, 2040 BUILD ALTERNATIVES – RICHARDS AVENUE AND RODEO ROAD	4-5
EXHIBIT 4-13, 2040 BUILD ALTERNATIVES – RICHARDS AVENUE AND SIRINGO ROAD	4-5
EXHIBIT 4-14, 2040 BUILD ALTERNATIVES – RICHARDS AVENUE AND CAMINO DEL PRADO.....	4-6
EXHIBIT 4-15, RODEO ROAD/RICHARDS AVENUE IMPROVEMENTS.....	4-7
EXHIBIT 4-16, CERRILLOS ROAD/RICHARDS AVENUE IMPROVEMENTS	4-7
EXHIBIT 4-17, RICHARDS AVENUE/WB SIRINGO ROAD IMPROVEMENTS	4-7
EXHIBIT 4-18, STREETLIGHT DAILY TRIPS IN 2019 - NORTHBOUND RICHARDS AVENUE, SOUTH OF RODEO ROAD	4-8
EXHIBIT 4-19, STREETLIGHT DAILY TRIPS IN 2019 - SOUTHBOUND RICHARDS AVENUE, NORTH OF CERRILLOS ROAD.....	4-8
EXHIBIT 4-20, STREETLIGHT DAILY TRIPS IN 2019 – FROM VISTA DEL PRADO SUBDIVISION	4-9
EXHIBIT 4-21, STREETLIGHT DAILY TRIPS IN 2019, FROM LA RESOLANA SUBDIVISION	4-9
EXHIBIT 4-22, CONCRETE BOX CULVERT CONCEPT FOR ARROYO DE LOS CHAMISOS.....	4-10
EXHIBIT 4-23, CONCRETE SLAB BRIDGE CONCEPT FOR ARROYO DE LOS CHAMISOS	4-10
EXHIBIT 4-24, CONCRETE BOX CULVERT CONCEPT FOR ARROYO DE LOS PINOS	4-11
EXHIBIT 4-25, EXISTING DRAINAGE FEATURES	4-12
EXHIBIT 4-26, DRAINAGE DESIGN CRITERIA	4-14
EXHIBIT 4-27, POTENTIAL GEOTECHNICAL EXPLORATION PLAN FOR DESIGN	4-17
EXHIBIT 4-28, EXISTING RICHARDS AVENUE RIGHT-OF-WAY	4-19
EXHIBIT 4-29, ESTIMATES OF CONCEPT-LEVEL PROBABLE COSTS FOR THE BUILD ALTERNATIVES.....	4-20
EXHIBIT 5-1, PROPOSED TYPICAL SECTIONS FOR THE PREFERRED ALTERNATIVE	5-1



EXECUTIVE SUMMARY

The City of Santa Fe completed this Phase B study to identify a preferred alternative for improvements to Richards Avenue including a connection across the Arroyo de los Chamisos and to assess the impacts and potential fiscal requirements associated with the proposed improvements. The results of this study will provide information to plan and program improvements for the Richards Avenue improvements based on the best information available in 2022. Phased implementation is anticipated. Subsequent phases of project development will occur as funding for individual projects is programmed in the Santa Fe Metropolitan Planning Organization's (SFMPO) Transportation Improvement Program (TIP) and the Statewide Transportation Improvement Program (STIP).

Purpose and Need

The purpose of the proposed improvements is to enhance the transportation system in the area bounded by Rodeo Road to the south and Cerrillos Road to the north, and between Zafarano Road and Avenida de las Campanas to the east and west, respectively. The purpose is to provide for improved access and transportation system connectivity across a natural physical barrier, the Arroyo de Los Chamisos, between Zafarano Drive and Avenida de las Campanas. The need is based on balancing travel and overall impacts on local roads within this part of the City. Multi-modal connectivity and a permanent roadway for emergency service providers would also benefit this area of Santa Fe.

Alternatives Considered

The preferred alignment from the Phase A study is a direct connection across the Arroyo de los Chamisos (ADLC) in the Richards Avenue corridor. The three alternatives considered in this Phase B study include the No Build Alternative and two Build alternatives. The No Build Alternative does not meet the purpose and need for the project. The two Build alternatives both meet the project purpose and need and have many similarities including one travel lane in each direction, intersection improvements, drainage system features, lighting locations, environmental conditions, pedestrian and bicycle multi-modal facilities, the connection across the undeveloped land, and right-of-way needs.

Traffic Calming Measures in the Alternatives

It is recognized that Richards Avenue is and will be a local street that is residential and recreational in character so the design approach needs to include measures to encourage lower travel speeds. Enforcement is the most effective deterrent for speeding, but physical methods that reinforce compliance with posted speed can be effective. In addition to a 25-30 mph posted speed limit, the types of traffic calming measures incorporated into one or both of the conceptual alternatives include:

- ◆ Roundabout: A modern roundabout will be incorporated just south of the La Resolana subdivision as a *gateway feature* for northbound travel as well as a speed control measure.
- ◆ Bulb-outs: Curb bulb-outs are used to narrow the traveled way as well as to develop recessed on-street parking.
- ◆ Raised Crosswalks: Raised crosswalks exist between Siringo Road and James Street.
- ◆ On-Street Parking: Build Alternative 1 provides on-street parking on the west side of Richards Avenue for these single-family homes.
- ◆ Lane Widths: The proposed travel lane width will be between 10 feet and 11 feet.

Public and Stakeholder Input

Public and stakeholder coordination efforts during Phase B of this project included a virtual public meeting to present the proposed improvements and their evaluation, briefings to City Council, and agency coordination.

This will be completed after the public meeting.

Traffic Analysis Conclusions

This traffic analysis has determined the Arroyo de Los Chamisos crossing project is feasible under the 2040 Build scenario. The new connection will reduce traffic on other roadways such as Avenida de Las Campanas, Camino Consuelo, and Camino Carlos Rey. Overall, the proposed Arroyo de Los Chamisos crossing will be beneficial to the area, will enhance mobility, and will improve the overall serviceability to the area.

Right-of-Way (ROW) Conditions

Additional ROW in the form of acquisitions, temporary construction permits (TCP), or construction maintenance easements (CME) will be required to implement the proposed improvements. While there are slivers of property that would be required to implement the proposed improvements, the major ROW acquisition involves the New Mexico Game and Fish (NMGF) property where the new roadway would be located. At a minimum, a roadway corridor for the Arroyo de los Chamisos crossing would be needed across this property; the City is considering the entire NMGF parcel for other uses as the NMGF is ready to sell the property.

Within the north segment of Richards Avenue from the NMGF land to James Street, many encroachments into the public ROW exist. Some property owners have placed walls and fence lines which are encroaching onto the Richards Avenue ROW. Further research by the City is needed for each parcel to confirm ownership, their legal descriptions and if there are any agreements between the City of Santa Fe and the private owners to allow for the encroachments. The proposed improvements can be constructed between the existing walls and fences. This issue is not expected to be resolved during the Phase B study.

Estimated Costs

The estimated cost of Build Alternative 1 is \$13.7M and the cost for Build Alternative 2 is \$10.6M. The key difference between the alternatives is the estimated cost of major structures and the associated increase in percentage-based items including the contingency, traffic control management, mobilization, construction augmentation, and NMGRT. The costs do not include ROW acquisition, utility costs, nor regular maintenance after the initial installation of the major structures crossing the arroyos. Based on the planning-level costs, it is anticipated that the estimate construction cost of the preferred alternative after refinements are made will be in the \$12M range.

Next Steps

This Phase B report summarizes the findings of the engineering evaluation of alternatives and public input for the City's consideration. The proposed improvements could be constructed as one project or in multiple projects depending on funding availability. During Phase IC and concurrent with preliminary and final design, an environmental clearance document evaluating the preferred alternative and its impact on the human and natural environment will be prepared. It is anticipated that the appropriate level of effort for environmental clearance and NEPA compliance will be a Categorical Exclusion (CE) document. The proposed action is expected to obtain approval for the entire corridor including the potential for implementing the project in multiple phases. Federal and/or State funding is anticipated to be needed for this project.



CHAPTER 1 - INTRODUCTION

The City of Santa Fe completed this Phase B study to identify a preferred alternative for improvements to Richards Avenue including a connection across the Arroyo de los Chamisos and to assess the impacts and potential fiscal requirements associated with the proposed improvements. The limits of the project are depicted in **Exhibit 1-1** and include Richards Avenue from Rodeo Road to Cerrillos Road. The project is located in City Council District 4 and traverses the La Resolana Subdivision, within the Southwest Bellamah Neighborhood Association, and the Vista del Prado Subdivision and Homeowners Association.

The scope of this study includes Phase A and Phase B of the NMDOT *Location Study Procedures*. Phase A of the study was completed on December 4, 2019. This report documents the Phase B study. Refer to **Exhibit 1-2** for a flow chart of the phases of project development per the NMDOT *Location Study Procedures*. The results of this study will provide information to plan

and program improvements for the Richards Avenue improvements with reasonable accuracy based on the best information available in 2022. Phased implementation is anticipated. Subsequent phases of project development will occur as funding for individual projects is programmed in the Santa Fe Metropolitan Planning Organization's (SFMPO) Transportation Improvement Program (TIP) and the Statewide Transportation Improvement Program (STIP).

The previously completed Phase A document described the existing conditions, identified operational and safety deficiencies within the corridor, established the purpose and need for the study, developed a range of alternatives to address the purpose and need, conducted a preliminary screening of the alternatives, and recommended a preferred alignment for additional analysis. This Phase B document describes the detailed analysis of alternatives, recommends a preferred alternative, and presents an implementation/phasing plan to aid the City and SFMPO with planning and programming improvements. Below is a summary of the project purpose and need as well as a description of how the Phase B report is structured.

Exhibit 1-2, Flow Chart of Project Phases

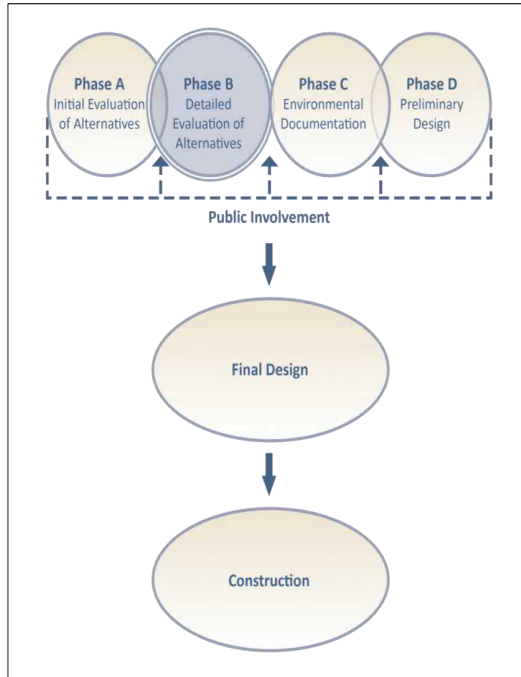
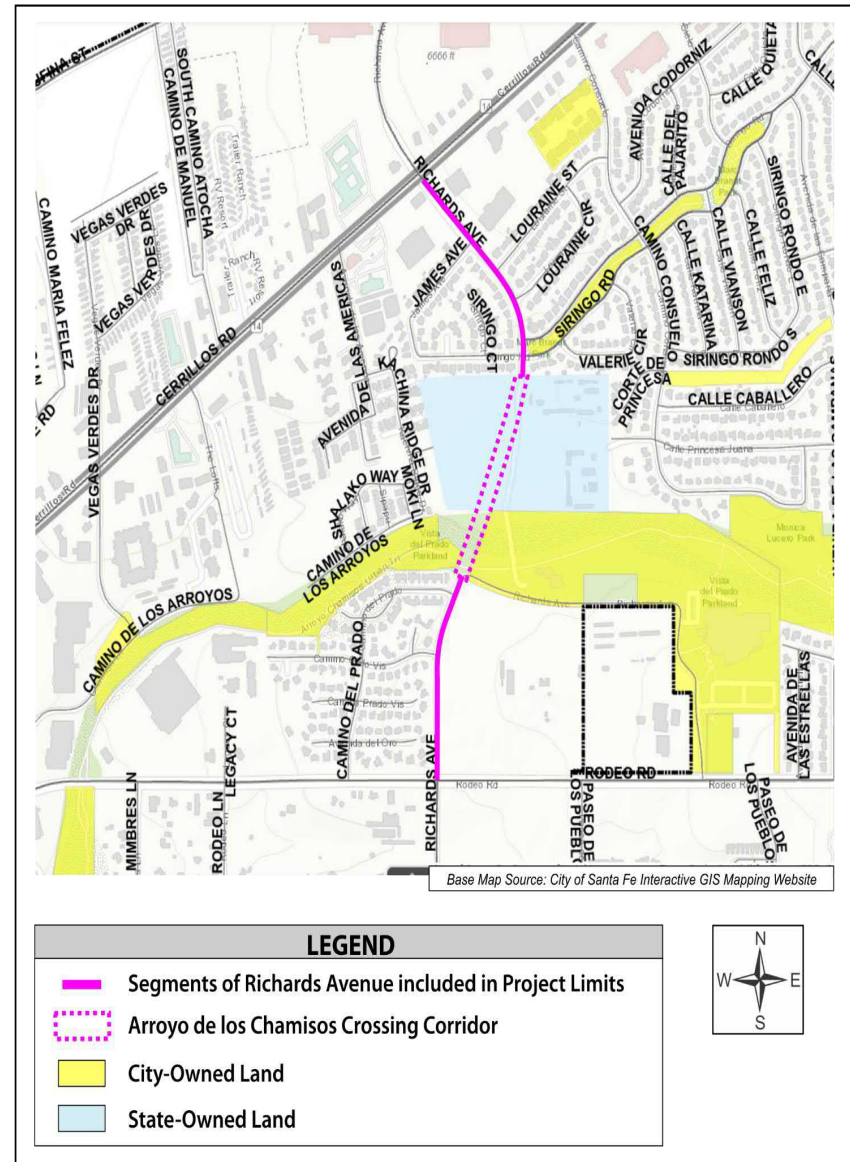


Exhibit 1-1, Map of Project Limits





Purpose and Need

The purpose of the proposed improvements is to enhance the transportation system in the area bounded by Rodeo Road to the south and Cerrillos Road to the north, and between Zafarano Road and Avenida de las Campanas to the east and west, respectively. The purpose is to provide for improved access and transportation system connectivity across a natural physical barrier, the Arroyo de Los Chamisos, between Zafarano Drive and Avenida de las Campanas. The need is based on balancing travel and overall impacts on local roads within this part of the City. Multi-modal connectivity and a permanent roadway for emergency service providers would also benefit this area of Santa Fe.

Roadway System Connectivity

A proper crossing of the Arroyo de los Chamisos (ADLC) has long been a deterrent to north-south travel moving through this area of Santa Fe and the need for additional roadway capacity has increased with the continued growth in Santa Fe. As a result, northbound and southbound traffic needing to cross the ADLC must use neighborhood roads including Avenida de las Campanas and Camino Carlos Rey as well as Zafarano Drive. The ability to directly cross the ADLC in the Richards Avenue alignment would increase multi-modal access for local residents as well as others traveling through the project area, and would result in balancing traffic traveling between Rodeo Road and Cerrillos Road. As Santa Fe continues to grow and traffic demand increases, additional north/south capacity will be needed to distribute the demand on multiple streets to help manage congestion.

The improved roadway is not intended to accommodate commercial vehicle/truck travel. Trucks are currently banned from using Richards Avenue between Siringo Road and James Street and this designation is expected to apply to the connection across the arroyo when it is completed.

Multi-Modal Connectivity

The proposed improvements would provide formal connectivity across the Arroyo de los Chamisos, as well as the Arroyo de los Pinos (ADLP), for pedestrians and bicyclists. On-street bike lanes exist on Richards Avenue from a mile south of Rodeo Road to the Fire Station Road and on Rodeo Road. On the north segment, from Siringo Road to Cerrillos Road, there are no designated bike facilities. The blue line on Exhibit 1-3 for this segment is for a proposed bike lane. There are existing on-street bike lanes on Richards Avenue north of Cerrillos Road as well as on Cerrillos Road. As such, on-street bike lane connectivity is not currently provided in the Richards Avenue corridor.

Existing, paved trails within the project limits include the Arroyo de las Chamisos trail along the south side of the ADLC and the Marc Brandt Park trail between the Siringo Road one-way pair. There are several unimproved paths or two-track roads (i.e., nature trails) through the undeveloped land where Richards Avenue does not currently exist. Two proposed trail connections are shown in Exhibit 1-3. The proposed improvements would address the trail connection between the ADLC and Marc Brandt Park trails, and would accommodate trail crossings as needed. The proposed improvements would provide improved ADA-compliant pedestrian facilities completing a connection across the arroyos/undeveloped land. Pedestrians would then have the option of walking on ADA-compliant facilities or continuing to walk on the unimproved paths/nature trails.

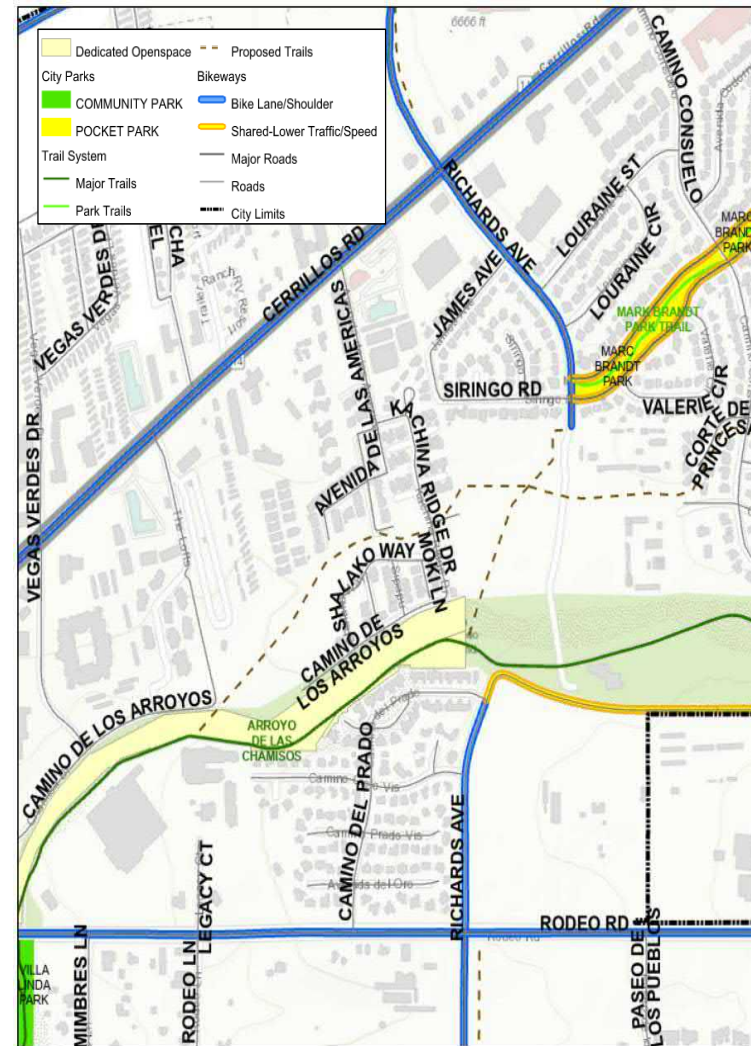
Phase B Document Overview

This document presents the detailed evaluation of alternatives, identification of the preferred alternative, and an implementation/phasing plan. The report is composed of the following sections:

- ◆ Executive Summary
- ◆ Chapter 1 - Introduction

- ◆ Chapter 2 - Description of Alternatives
- ◆ Chapter 3 - Public and Stakeholder Coordination
- ◆ Chapter 4 - Evaluation of Alternatives
- ◆ Chapter 5 - Preferred Alternative and Phasing Plan
- ◆ Appendices
- ◆ *Electronic Appendices* of supplemental information

Exhibit 1-3, Map of Pedestrian and Bicycle Facilities



Source: City of Santa Fe Interactive GIS Mapping website



CHAPTER 2 – DESCRIPTION OF ALTERNATIVES

The No Build Alternative and two Build alternatives are described in this chapter. The preferred alignment from the Phase A study is a direct connection across the Arroyo de los Chamisos (ADLC) in the Richards Avenue corridor. The Build alternatives were conceptually designed and evaluated in detail as documented in **Chapter 4**.

No Build Alternative

The No Build, or do nothing, Alternative consists of the existing street segments, sidewalks, all appurtenances, and no extension across the ADLC. The No Build Alternative includes continued maintenance of the streets including pavement, storm drainage, pavement markings, signs, and other basic roadway elements. Improvements beyond normal maintenance are not included in the No Build condition. Sidewalk and/or multi-use trail improvements and bike lanes are not included in the No Build Alternative for this project.

Build Alternatives

The two Build alternatives developed for evaluation are described below. Key aspects of the proposed improvements are discussed followed by descriptions of the improvements by unique segment of Richards Avenue. Conceptual drawings of the Build alternatives are provided in the **Appendix A** and **Appendix B**.

Functional Classification

The intended use of a street is typically defined by its functional classification. Richards Avenue is currently classified as a major collector from Siringo Road to Cerrillos Road and from Cerrillos Road to Rufina Street. It is an unclassified road from Rodeo Road to its terminus south of the ADLC where it turns east (referred to as Richards Avenue/Fire Station Road). South of Rodeo Road, Richards Avenue is classified as a principal arterial.

Based on its collector and unclassified roadway status within the project limits from Rodeo Road to Cerrillos Road, Richards Avenue is proposed to be a two-lane roadway with one lane in each travel direction and a functional classification of major collector. The street is intended for local travel by passenger vehicles, single-unit trucks, and potentially buses. Heavy commercial vehicles should only use the facility when there is a destination within the project limits (e.g., moving truck), no through trucks. It is important to emphasize that the proposed ADLC crossing is intended for local travel purposes meaning shorter trips at lower travel speeds considering the residential setting of the corridor.

Traffic Calming

As described above, it is recognized that Richards Avenue is and will be a local street that is residential and recreational in character so the design approach needs to include measures to encourage lower travel speeds. As a local roadway, users will be familiar with the street as they will be commuters and/or local traffic that drives it every day. In this case, motorists may become desensitized to certain features intended to calm traffic such as reduced lane widths. Enforcement is the most effective deterrent for speeding, but physical methods that reinforce compliance with posted speed can be effective. Travel speeds typically increase when there are few access points and a roadway corridor has an open feel or low side friction. In addition to a 25-30 mph posted speed limit, the types of traffic calming measures incorporated into one or both of the conceptual alternatives include:

- ◆ Roundabout: A modern roundabout, or traffic circle depending on side access needs, will be incorporated just south of the La Resolana subdivision as a *gateway feature* for northbound travel as well as a speed control measure.

- ◆ Bulb-outs: Curb bulb-outs are used to narrow the traveled way as well as to develop recessed on-street parking. Bulb-outs will need to accommodate on-street bike lane and drainage continuity.
- ◆ Raised Crosswalks: Raised crosswalks exist between Siringo Road and James Street and will be incorporated into the proposed improvements for both Build alternatives.
- ◆ On-Street Parking: There are several residences with frontage along Richards Avenue in the La Resolana subdivision on the west side of the street. One Build alternative provides on-street parking on the west side of Richards Avenue for these single-family homes. Homes front the cross streets on the east side of Richards Avenue so on-street parking is provided on those cross streets rather than on Richards Avenue.
- ◆ Lane Widths: The proposed travel lane width will be between 10 feet and 11 feet. The Build alternatives described in this chapter show 10.5-foot and 11-foot lanes. For study purposes, using a wider typical section to establish the footprint needed to accommodate all travel modes and roadway embankment/slope limits is suggested. As the design is refined, the typical section elements can be changed within the right-of-way established for the proposed improvements.

Multi-Modal Features

Pedestrian and bicycle accommodations are incorporated in the proposed improvements, which will be compliant with the Americans with Disabilities Act (ADA) and Public Right-of-Way Accessibility Guidelines (PROWAG). A sidewalk or trail will be provided on both sides of Richards Avenue for the length of the project. For reconstruction/new sidewalk, the minimum width will be six feet.

On-street bike lanes exist on Richards Avenue from Rodeo Road to the Fire Station Road. On the north segment, from Siringo Road to Cerrillos Road, there are no designated bike facilities. On-street bike lanes will be provided on Richards Avenue over the length of the project. The minimum width will be five feet exclusive of the gutter pan.

Existing, paved trails within the project limits include the Arroyo de las Chamisos trail along the south side of the ADLC and the Marc Brandt Park trail between the Siringo Road one-way pair. There are several unimproved paths or two-track roads (i.e., nature trails) through the undeveloped land where Richards Avenue does not currently exist. The proposed improvements will provide an eight to ten-foot trail connection between the Arroyo de las Chamisos and Marc Brandt Park trails, and will accommodate trail crossings of Richards Avenue as needed. Pedestrians will have the option of walking on ADA-compliant facilities and/or continuing to walk on the unimproved paths/nature trails.

Lighting

Lighting is currently provided at spot locations along Richards Avenue, primarily at intersections. This approach to lighting will be maintained as part of the proposed improvements and will be evaluated in preliminary design. Continuous corridor lighting is not proposed.

Build Alternative Segments

Based on the abutting land uses and street characteristics of the existing facility, proposed improvements to Richards Avenue are described in four segments as follows:

- ◆ Rodeo Road to Richards Avenue/Fire Station Road
- ◆ Richards Avenue/Fire Station Road to Siringo Road
- ◆ Siringo Road to James Street
- ◆ James Street to Cerrillos Road

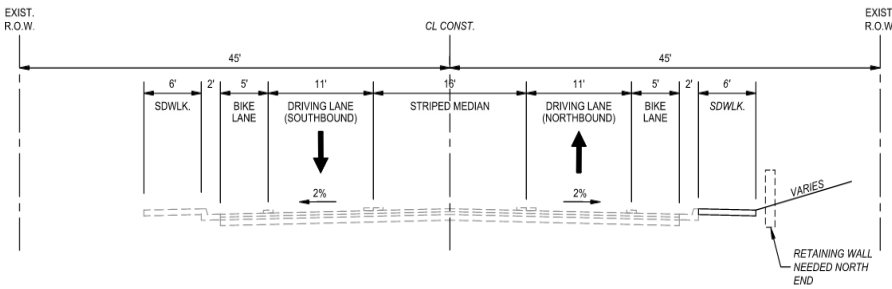


Note that the proposed drainage and major structure improvements are discussed in **Chapter 4**. The following descriptions focus on the street section needed for vehicular, pedestrian and bicycle travel.

Rodeo Road to Richards Avenue/Fire Station Road

This segment of Richards Avenue is already built out except for a sidewalk along the east side of the street, starting south of the gated access to the Rodeo de Santa Fe grounds. Both Build alternatives propose a new 6-foot sidewalk at the back of the existing curb and gutter as shown in **Exhibit 2-1**. No other improvements are proposed up to Camino del Prado. The short section north of Camino del Prado to Fire Station Road will be reconstructed as part of the extension of Richards Avenue across the ADLC. The intersection of Richards Avenue and Fire Station Road will be a stop-controlled intersection with a stop-sign on Fire Station Road.

Exhibit 2-1, Typical Section from Rodeo Road to Camino del Prado – Build Alternatives 1 and 2



Richards Avenue/Fire Station Road to Siringo Road

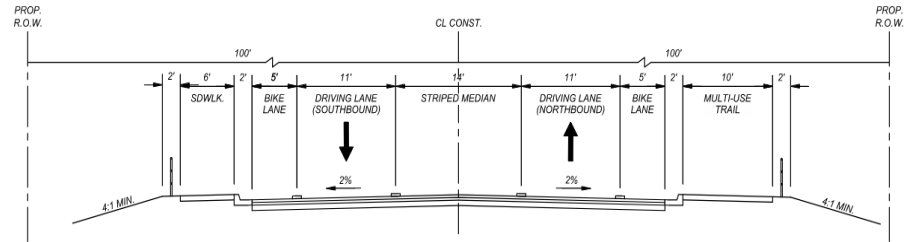
This segment will primarily involve new construction crossing the ADLC, Arroyo de los Pinos (ADLP), and undeveloped land. There is a short segment of existing street south of Siringo Road that will be reconstructed. Three typical sections describe the proposed improvements for this segment. Build Alternative 1 is shown in **Exhibit 2-2** and Build Alternative 2 is shown in **Exhibit 2-3**.

The primary differences between the two Build alternatives in this segment are:

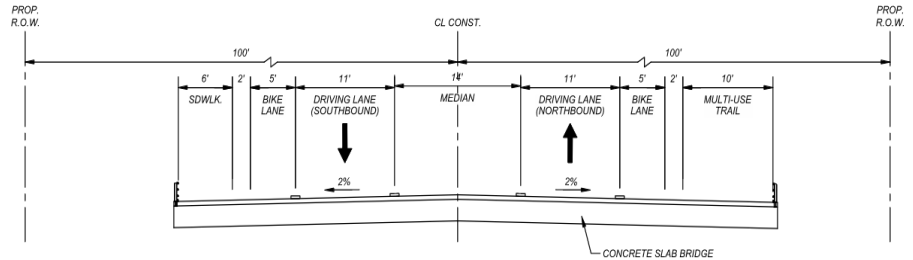
- ◆ Travel Lane Widths – Build Alternative 1 is based on 11-foot lanes, Build Alternative 2 has 10.5-foot lanes
- ◆ Median Width – Build Alternative 1 has a 14-foot median, Build Alternative 2 has a 12-foot median; except for the existing street segment where the median is 12-feet for Build Alternative 1 and 13-feet for Build Alternative 2
- ◆ Structure Type for Arroyo Crossings – Build Alternative 1 has concrete-slab bridges, Build Alternative 2 uses concrete box culverts (CBC); note, these are described in **Chapter 4**

Both alternatives include 5-foot on-street bike lanes, a 6-foot sidewalk on the west side, and an 8 to 10-foot multi-use trail on the east side connecting the Arroyo de las Chamisos trail to the Marc Brandt Park trail. Refer to the conceptual layouts in the **Appendix** for plan views of the proposed improvements for each alternative.

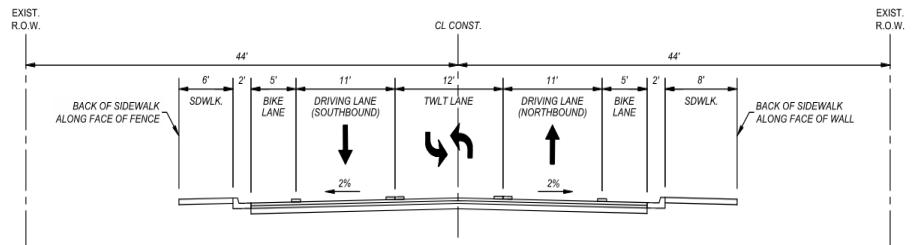
Exhibit 2-2, Proposed Typical Sections from Fire Station Road to Siringo Road – Build Alternative 1



Fire Station Road to ADLC Crossing
ADLC Crossing to ADLP Crossing
ADLP Crossing to La Resolana Subdivision



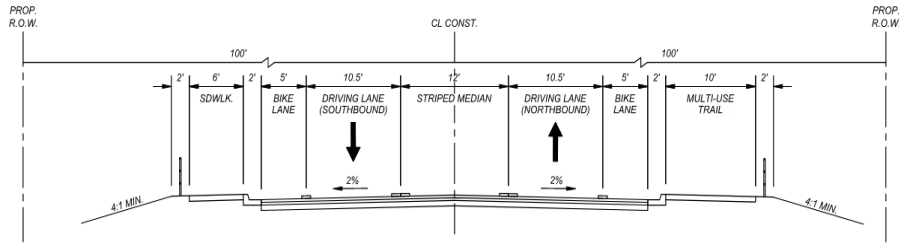
ADLC and ADLP Bridge Crossings



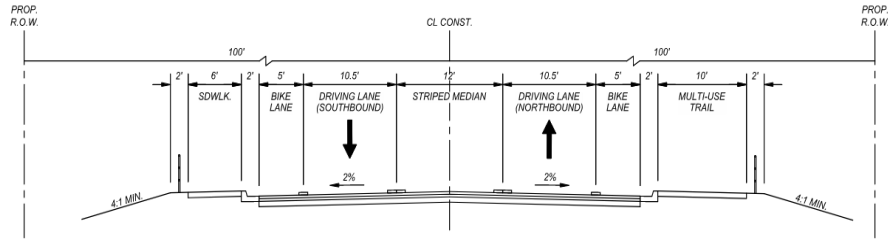
South of Siringo Road



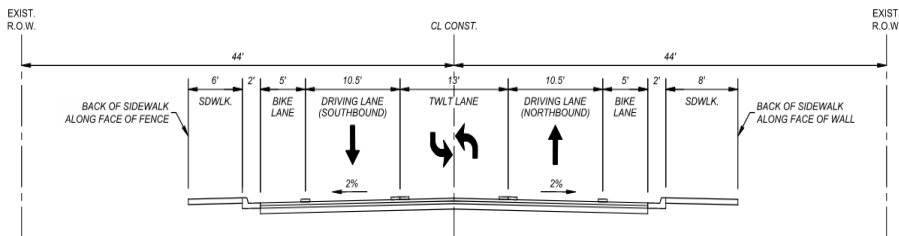
Exhibit 2-3, Proposed Typical Sections from Fire Station Road to Siringo Road – Build Alternative 2



Fire Station Road to ADLC Crossing
ADLC Crossing to ADLP Crossing
ADLP Crossing to the La Resolana Subdivision



ADLC and ADLP Bridge Crossings



South of Siringo Road

Siringo Road to James Street

The Build alternatives differ the most in this segment of Richards Avenue. Build Alternative 1 is shown in Exhibit 2-4 and Build Alternative 2 is shown in Exhibit 2-5. Similarities include 5-foot minimum on-street bike lanes, a 6-foot sidewalk on the west side, and an 8-foot sidewalk on the east side. The sidewalk on the east side within Marc Brandt Park is offset from the street as exists today. The primary differences between the two Build alternatives in this segment are:

- ◆ Travel Lane Widths – Build Alternative 1 is based on 11-foot lanes, Build Alternative 2 has 10.5-foot lanes
- ◆ On-Street Parking – Build Alternative 1 provides a 9-foot on-street parking zone along the west side of the street which allows buffer space between parked vehicles and the bike lane; Build Alternative 2 does not provide an on-street parking zone so there may parking use of the bike lane and gutter pan
- ◆ Median – A median is not provided in Build Alternative 1 where on-street parking is proposed, where provided it is proposed to be 12-foot wide; Build Alternative 2 provides a 13-foot two-way left-turn lane (TWLT) throughout this segment

Refer to the Appendix for the conceptual layouts of the Build alternatives.

James Street to Cerrillos Road

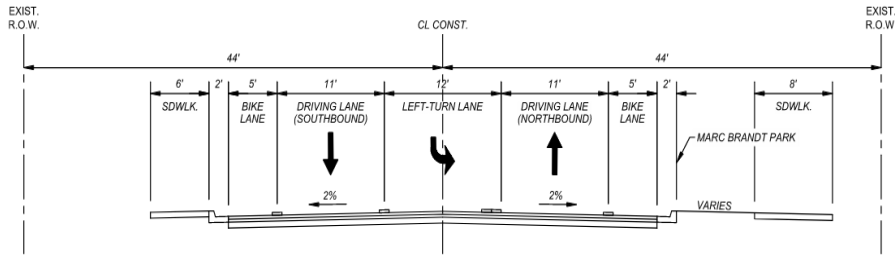
The proposed improvements within this segment of Richards Avenue are the same for both Build alternatives and are shown in Exhibit 2-6. This segment is adjacent to commercial land uses and is connected to the Cerrillos Road/Richards Avenue intersection. Raised median is provided in this segment along with 8-foot sidewalks on both sides of the street. On-street 5-foot bike lanes are proposed.

Major Intersections

The need for improvements to the Rodeo Road/Richards Avenue intersection, the Cerrillos Road/Richards Avenue intersection, and the Richards Avenue/Westbound Siringo Road intersection is discussed in the Traffic section in Chapter 4. The improvements will be limited to the addition of right-turn or left-turn lanes as needed to provide an acceptable level of traffic performance while also considering the multi-modal needs and right-of-way constraints at the intersections. The typical section in Exhibit 2-6 for the segment south of Cerrillos Road includes the addition of a 6-foot bike buffer and a 10-foot right-turn lane.

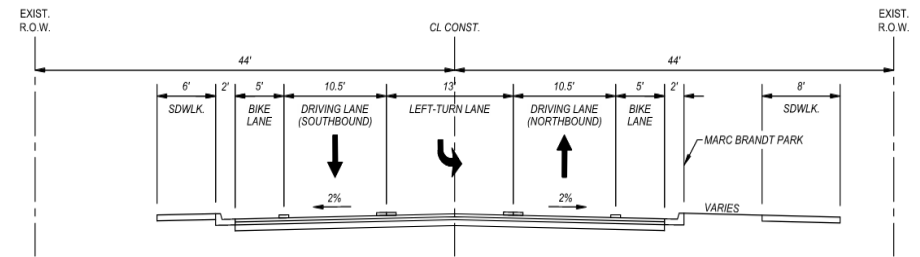


Exhibit 2-4, Proposed Typical Sections from Siringo Road to James Street – Build Alternative 1

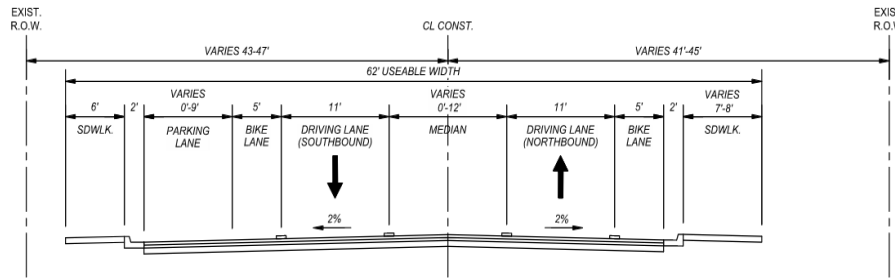


Siringo Road Eastbound to Siringo Road Westbound

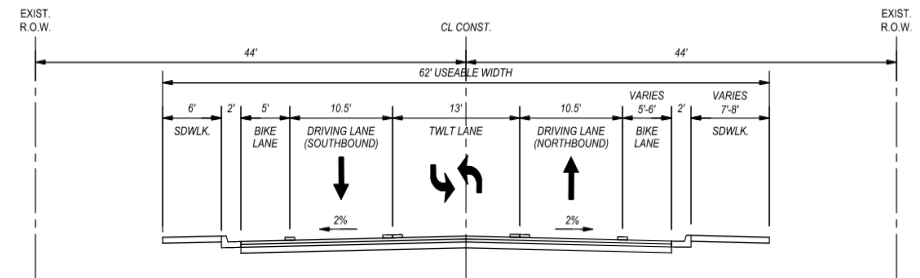
Exhibit 2-5, Proposed Typical Sections from Siringo Road to James Street – Build Alternative 2



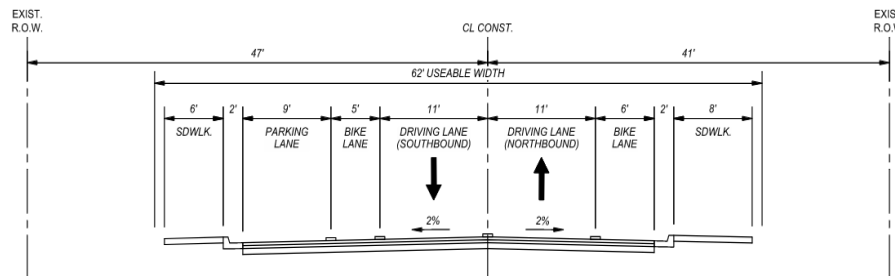
Siringo Road Eastbound to Siringo Road Westbound



Siringo Road Westbound to Louraine Circle
 Louraine Street to James Street



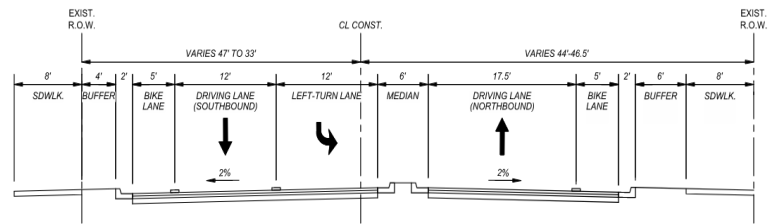
Siringo Road Westbound to James Street



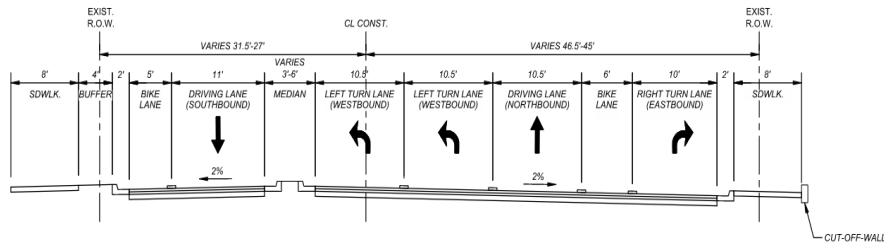
Louraine Circle to Louraine Street



Exhibit 2-6, Proposed Typical Sections from James Street to Cerrillos Road – Build Alternatives 1 and 2



North of Shopping Center Access



South Leg of Cerrillos Road/Richards Avenue Intersection



CHAPTER 3 – PUBLIC AND STAKEHOLDER COORDINATION

Public and stakeholder coordination efforts during Phase B of this project included a virtual public meeting to present the proposed improvements and their evaluation, briefings to City Council, and agency coordination. In addition, photo simulations of an improved scenario based on the build alternatives evaluated as part of this Phase B study were prepared as part of the public engagement process.

Public Meeting

A virtual public meeting was held on March 31, 2022 at 6pm. The meeting platform was on Zoom with ### registered to attend. The presentation materials included a summary of the Phase B study with photo visualizations of the proposed improvements, proposed typical sections, overview of potential impacts, and representation of the traffic study results. The presentation PowerPoint is provided in the *electronic appendices*.

The meeting was well advertised with the meeting invite flyer shared through the following mechanisms:

- ◆ Over 700 postcards were mailed per the City of Santa Fe Early Neighborhood Notification (ENN) process
- ◆ Numerous flyers were posted at public locations within and near the study area
- ◆ City of Santa Fe and Santa Fe MPO websites posted the meeting invite
- ◆ Newspaper display ads were placed in the Santa Fe New Mexican on March 16th and 27th
- ◆ Social media posts were made, as appropriate, via the City public information officer
- ◆ Neighborhood associations within and near the study area were notified through their individual leadership
- ◆ Previous meeting invite were sent an email invite with the meeting flyer

There were many opportunities for input with an open request for verbal comments during the meeting, chat box options for written comments, and texting options for those not able to join Zoom with the visual elements. Outside of the meeting comments were invited via email, phone calls, and written comments sent through the mail.

City Council Briefings

The Santa Fe City Council has been kept informed on this project through various communications. This includes a project briefing to the District 4 City Councilors on August 18, 2021, as well as additional memorandums and briefings during subsequent meetings.

Agency Coordination

Coordination with Santa Fe Metropolitan Planning Organization (SFMPPO) has been ongoing since Phase A. As the regional transportation agency, input and support for all recommendations from the SFMPPO is critical. During Phase B, the proposed typical sections and conceptual layouts have been shared and input collected. Additional support is expected as the project moves into design, with a focus on the multi-modal elements for bicycles and pedestrians.

Coordination with the New Mexico Game and Fish Department (NMGF) has occurred. Starting with an initial meeting on December 29, 2021, there has been ongoing coordination between the City and the NMGF regarding purchase of their land allowing for the connection across the Arroyo de los Chamisos. This coordination will continue, requiring further communication and approvals within the City organization.

As part of the utility coordination for this project, input from City staff regarding City utilities was obtained and is summarized in **Chapter 4**.

Photo Simulations for Public Involvement

Exhibit 3-1 through **Exhibit 3-5** provide a before/after comparison of the simulated proposed improvements. The simulations are intended to illustrate the proposed improvements at a planning level and may not show refined details such as curb ramps.



Exhibit 3-1, North View Photo Simulation



Exhibit 3-2, Northeast View Photo Simulation

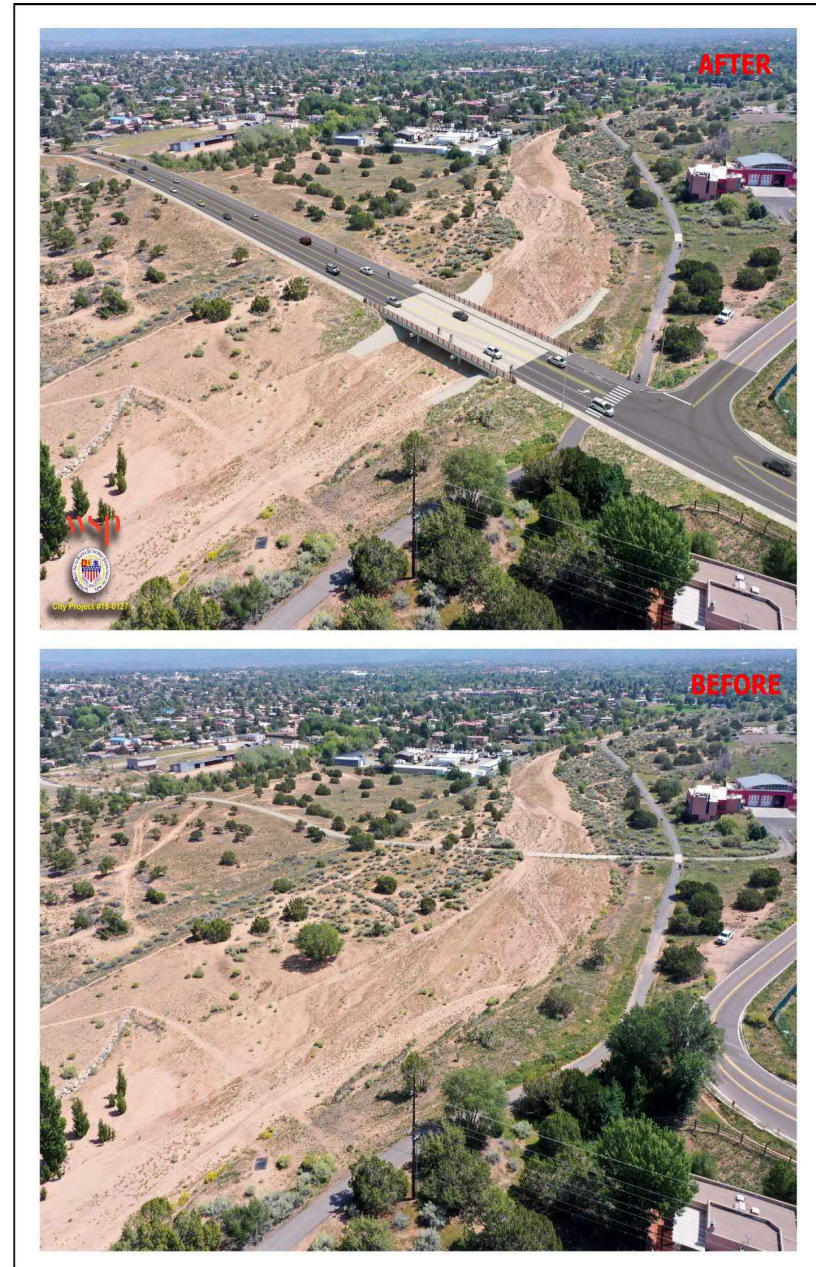




Exhibit 3-3, East View Photo Simulation

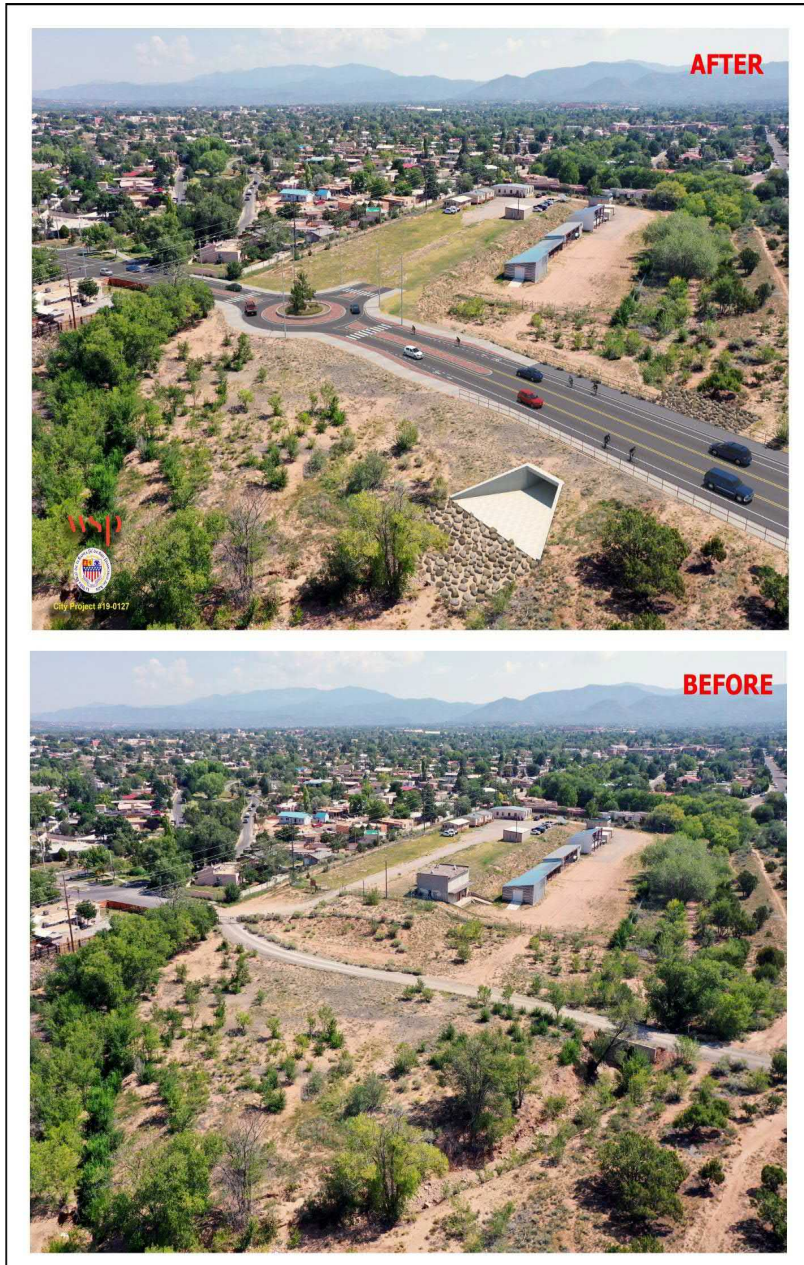


Exhibit 3-4, South View Photo Simulation

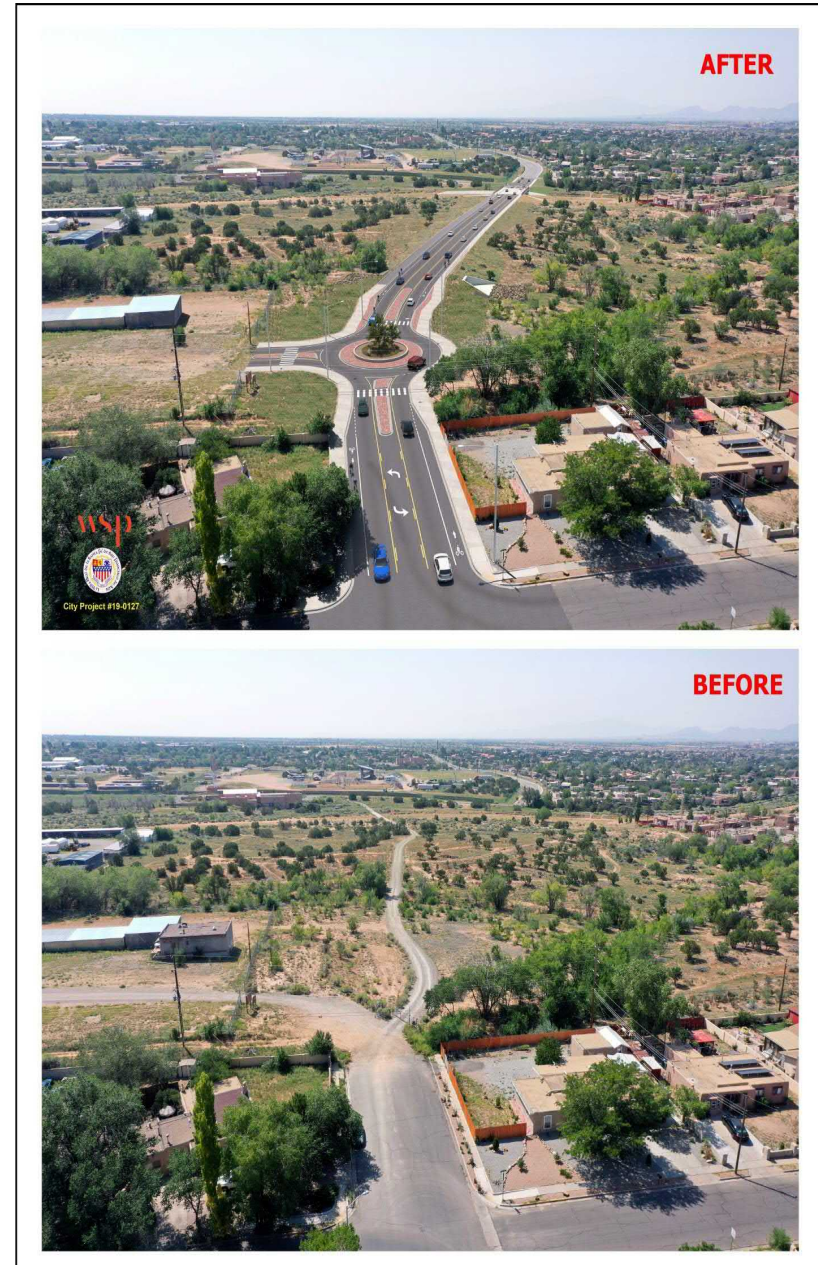
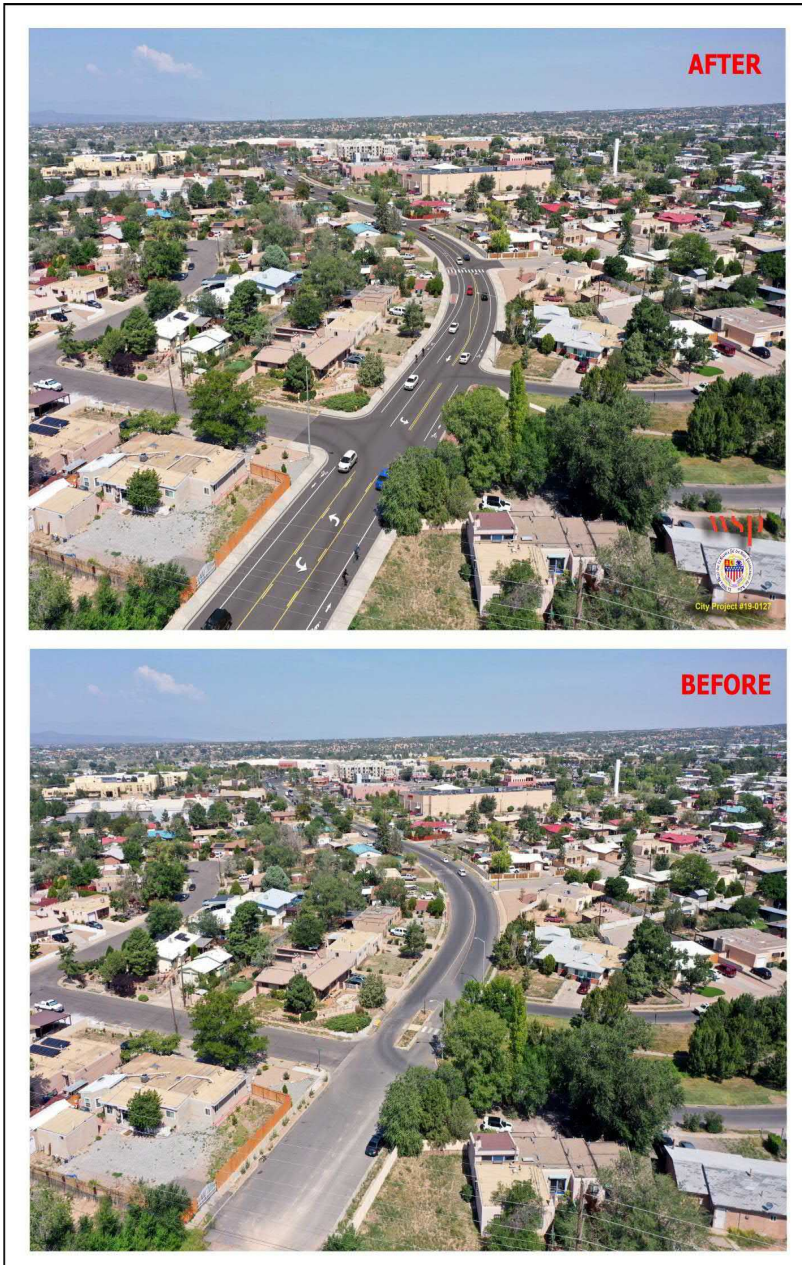




Exhibit 3-5, Northwest View Photo Simulation





CHAPTER 4 – EVALUATION OF ALTERNATIVES

The development of transportation improvements is an iterative process that considers various alternatives to satisfy the purpose and need for the project. The development of alternatives considers existing constraints, public input, design criteria, current objectives, and addresses all travel modes as part of providing multi-modal improvements for this project. Because this project involves a new roadway across undeveloped land, right-of-way impacts and property acquisitions will be needed.

During this study phase of project development, the focus was on establishing hardscape elements such as street and intersection configurations, sidewalk features, traffic calming measures, bridge crossings of arroyos, and other aspects that help define the footprint of the desired improvements and how continuity is provided within and through the project area for all travel modes. Details such as street lighting, aesthetic treatments, benches and other streetscape items will be developed as part of preliminary and final design once the approach to the improvements is established.

Roadway

The Build alternatives were described in **Chapter 2** and conceptual plans are provided in **Appendix A** and **Appendix B**. The following summarizes other key elements of the design approach for the development of the Build alternatives:

- ◆ Design speed of 30 mph with a posted speed of 25 to 30 mph. Use AASHTO Green Book design criteria for Low-Speed Streets in Urban Areas.
- ◆ Roadway cross slope will be normal crown, no superelevation.
- ◆ Roadside slopes will be minimum of 4:1 to minimize erosion.
- ◆ Pavement section may be 6" HMA over 6" base course (will be determined in final design).
- ◆ Standard curb and gutter, 6" barrier type.
- ◆ Profile grades of 2% or less for new construction; the existing profile through La Resolana subdivision is 4.6% and will not change.
- ◆ Minimum horizontal curvature radius of 333 feet for 30 mph and normal crown (Table 3-12 AASHTO Green Book).
- ◆ ADA/PROWAG compliant sidewalks, trails, and driveway crossings.
- ◆ May include pedestrian hand railing along new street segment for access control (optional); include a 2-foot minimum bench behind the sidewalk/trail.
- ◆ Buffers were not included from back of curb to sidewalk due to presence of on-street bike lane and maintenance issues associated with buffers (e.g., weeds).

Both Build alternatives are feasible from an engineering perspective, both horizontally and vertically, and can be designed considering the local, low-speed environment that is desired for this segment of Richard's Avenue. The primary differences involve lane and median widths and the street configuration in the La Resolana subdivision. Public and stakeholder input will be key to the selection of a preferred alternative through this existing residential area.

Traffic

This section discusses the detailed traffic operations analysis for key intersections within the project limits. Refer to the Phase A Report for additional traffic analyses performed for the evaluation of alternative alignments.

Existing Conditions

Traffic Counts

Existing 2021 traffic data for the intersections on Richards Avenue were collected by Cleland Counts during a 9-hour period, highlighting usual morning, afternoon, and evening peak periods from 6 AM – 9 AM, 11 AM – 2 PM, and 4 PM – 7 PM. These counts included traffic turning movement volumes, peak hour factor (PHF), and heavy vehicle percentage. The turning movement counts were collected at the following locations:

- ◆ Richards Avenue and Cerrillos Road – existing signalized intersection
- ◆ Richards Avenue and Rodeo Road – existing signalized intersection
- ◆ Richards Avenue and Siringo Road – existing unsignalized intersection (Siringo Rd in the vicinity of Richards Avenue consists of a one-way pair with the intersections at Richards Road being located approximately 100 feet apart)
- ◆ Richards Avenue and Camino del Prado – existing unsignalized intersection

Since these counts were collected in 2021, it is within a time period when COVID-19 restrictions were imposed and therefore travel patterns may not reflect normal travel patterns. Using big data from a vendor named Streetlight, the pre-COVID travel data was compared against travel patterns when the counts were collected, and this information was used to adjust the traffic count turning movement volumes. These adjusted traffic count volumes are used in the analysis to determine the operational characteristics of the existing conditions at the intersections listed above. **Exhibit 4-1** summarizes the existing AM and PM peak-hour intersection turning movement volumes. The traffic count data are included in the *electronic appendices*.

Exhibit 4-1, AM and PM Peak-Hour Intersection Turn Movement Volumes – Existing Conditions

2021 Existing Conditions Volume by Approach and Movement (vehicles per hour)													
Location Along Richards Avenue	Peak Hour	Eastbound			Westbound			Northbound			Southbound		
		Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Rodeo Road	AM	6	824	424	218	576	8	238	4	548	24	0	14
	PM	33	1130	407	316	1242	11	217	15	209	19	2	7
Camino del Prado	AM	11		4				1	48			14	4
	PM	3		8				5	21			61	12
Eastbound Siringo Road	AM	5	3	0				0	8	3	277	13	7
	PM	4	9	0				0	6	1	194	1	40
Westbound Siringo Road	AM				35		155		13				262
	PM				29		510		10				206
Cerrillos Road	AM	330	1965	145	21	1053	239	91	92	19	154	154	184
	PM	143	1442	160	106	2258	213	242	113	31	128	107	210



Existing Levels of Service

The existing intersection traffic volumes were analyzed using HCS7 software. This software uses methodology from the Sixth Edition of the Highway Capacity Manual (HCM) to analyze signalized and unsignalized intersections. The HCM is a publication of the Transportation Research Board of the National Academies of Sciences, Engineering, and Medicine in the United States. It contains concepts, guidelines, and computational procedures for computing the capacity and quality of service of various highway facilities, including freeways, highways, arterial roads, roundabouts, signalized and unsignalized intersections, interchanges, rural highways, and the effects of mass transit, pedestrians, and bicycles on the performance of these systems. The intersection analysis methodology in HCM considers a wide variety of prevailing conditions, including the amount and distribution of traffic movements, traffic composition, geometric characteristics such as number of lanes, and for signalized intersection it considers details of signalization control. The HCM defines Level of Service (LOS) for signalized and unsignalized intersections as follows:

Exhibit 4-2, Level of Service (LOS) Definitions

Level of Service	Definition	Signalized (sec/veh)	Unsignalized (sec/veh)
A	Most vehicles do not stop.	<10	<10
B	Some vehicles stop.	>10 and <20	>10 and <15
C	Significant numbers of vehicles stop.	>20 and <35	>15 and <25
D	Many vehicles stop.	>35 and <55	>25 and <35
E	Limit of acceptable delay.	>55 and <80	>35 and <50
F	Unacceptable delay.	>80	>50

The City of Santa Fe follows the NMDOT State Access Management Manual (SAMM) guidelines for intersection capacity which indicates that an acceptable level of service (LOS) is LOS D or better. The analysis of the existing intersections within this study limits results in an acceptable levels of service (LOS) at all the intersections. The detailed HCS7 output for the existing conditions analysis is included in the [electronic appendices](#).

The Richards Avenue and Cerrillos Road intersection and the Richards Avenue and Rodeo Road intersection are both currently signalized, and both of those intersections operate at an acceptable LOS D or better. Richards Avenue and Cerrillos Road operates at LOS C in both the AM peak and PM peak periods. Richards Avenue and Rodeo Road operates at an overall LOS D in the AM peak period although the results show that it experiences a LOS E for the westbound left-turn movement during this AM peak period, during the PM peak period it operates at LOS C. **Exhibit 4-3** summarizes the existing signalized intersection results.

Exhibit 4-3, 2021 Existing Signalized Intersection Results

Intersection/Movement	2021 AM Peak			2021 PM Peak		
	Delay	v/c	LOS	Delay	v/c	LOS
Richards Ave and Cerrillos Rd	22.7	0.821	C	24.6	0.877	C
Richards Ave and Rodeo Rd	42.8	0.961	D	21.2	0.861	C

There are four unsignalized intersections within the project limits and they all operate within acceptable LOS, with no unsignalized movements worse than LOS C. **Exhibit 4-4** provides a summary of the results.

Exhibit 4-4, 2021 Existing Unsignalized Intersection Results

Intersection/Movement	2021 AM Peak				2021 PM Peak			
	Delay	v/c	Queue* (ft)	LOS	Delay	v/c	Queue* (ft)	LOS
Richards Ave and Siringo Rd (WB) WB Movement	- 9.3	- 0.20	- 25	- A	- 11.9	- 0.51	- 100	- B
Richards Ave and Siringo Rd (EB) EB Movement SB Left	- 17.5 7.8	- 0.03 0.21	- 25 25	- C A	- 13.0 7.6	- 0.03 0.13	- 25 25	- B A
Richards Ave and Camino del Prado EB Movement NB Left	- 9.0 7.3	- 0.02 0.00	- 25 0	- A A	- 9.1 7.5	- 0.02 0.01	- 25 0	- A A

* – HCM 95th percentile queue rounded to next 25-foot increment

2040 No Build Scenario Traffic Analysis

The design year for this project is 2040 which is consistent with the current planning horizon of the Santa Fe Metropolitan Planning Organization (SFMPO). The 2040 No Build scenario is discussed below.

2040 No Build Traffic Projections

The horizon year (2040) conditions are based upon the traffic patterns presented by the SFMPO Regional Travel Demand Model, which considers the future anticipated development and changes to the transportation network as grown from the existing traffic volumes. The travel demand model utilizes the PTV VISUM software to estimate the 2040 traffic volumes. The 2040 No Build Scenario considers traffic patterns and volumes without the connection of Richards Avenue across the Arroyo de Los Chamisos.

It should be noted that travel patterns have changed during the COVID-19 pandemic because more people have been working from home, there is less commuting, and in some cases peak-hour traffic volumes are different than they were prior to the COVID-19 restrictions. There is always a possibility that traffic may not get back to pre-COVID levels during the peak hours. Because it is not clear yet how these changes will affect future driving decisions, the travel demand model was utilized as this is the best tool available to estimate 2040 traffic projections. The travel demand model uses socio-economic data for employment growth, population growth, and land use to determine origin and destination for travelers and then assigns trips to the roadway network to estimate the 2040 traffic volumes.

The 2040 No Build traffic analysis for this study uses this data as the basis for our capacity analysis. The traffic projections for the 2040 No Build are included in the [electronic appendices](#) and are summarized in **Exhibit 4-5**.



Exhibit 4-5, AM and PM Peak-Hour Intersection Turn Movement Volumes – 2040 No Build Scenario

2040 No Build Volume by Approach and Movement (vehicles per hour)													
Location Along Richards Avenue	Peak Hour	Eastbound			Westbound			Northbound			Southbound		
		Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Rodeo Road	AM	7	949	488	251	663	9	274	5	631	29	0	16
	PM	40	1361	490	381	1495	13	262	18	252	23	2	8
Camino del Prado	AM	11		4				2	87			25	7
	PM	7		20				12	52			151	30
Eastbound Siringo Road	AM	5	3	0				0	8	3	279	48	7
	PM	4	10	0				0	7	1	215	33	44
Westbound Siringo Road	AM				35		156		13			299	
	PM				32		565		11			260	
Cerrillos Road	AM	352	2100	155	22	1125	256	97	98	20	165	165	197
	PM	153	1541	171	114	2412	228	259	121	33	136	114	225

2040 No Build Intersection Capacity Analysis

The 2040 No Build projected intersection traffic volumes were analyzed using HCS7 software that uses signalized and unsignalized intersection methodology from the Sixth Edition of the HCM. Intersection output for the 2040 No Build conditions analysis are included in the *electronic appendices* and are summarized in **Exhibit 4-6**.

Exhibit 4-6, 2040 No Build Signalized Intersection Results

Intersection/Movement	2040 No Build AM Peak			2040 No Build PM Peak		
	Delay	v/c	LOS	Delay	v/c	LOS
Richards Avenue and Cerrillos Road	23.0	0.837	C	28.4	0.922	C
Richards Avenue and Rodeo Road	55.5	1.009	E	28.1	0.890	C
Richards Avenue and Rodeo Road (NBR Lane Addition Improvement)	36.4	0.916	D	24.3	0.830	C

The Richards Avenue and Cerrillos Road intersection will operate at an acceptable LOS in the 2040 No Build scenario with LOS C in both the AM Peak period and the PM peak period. The Richards Avenue and Rodeo Road intersection operates at an acceptable LOS C in the PM Peak period but some movements begin to show signs of poor operations in the AM Peak period, with an overall LOS E. The northbound (NB) left has LOS E, the northbound (NB) shared through and right turn lane operates with LOS F, the eastbound (EB) left is LOS E, the eastbound (EB) through operates at LOS F, and the southbound (SB) left is also at LOS E. This can be mitigated by making improvements to the existing intersection. To get all movements to LOS D or better requires changing the currently northbound combined through and right turn lane into a lane for only northbound through movement and then adding another lane for a dedicated northbound right-turn only movement. By separating these movements into their own lanes, it provides the additional capacity needed at this intersection. However, the right-of-way impacts will need to be considered before this improvement can be implemented.

The analysis indicates all unsignalized intersections operate within an acceptable LOS, with no movement operating worse than LOS C as shown in **Exhibit 4-7**.

Exhibit 4-7, 2040 No Build Unsignalized Intersection Results

Intersection/Movement	2040 No Build AM Peak				2040 No Build PM Peak			
	Delay	v/c	Queue* (ft)	LOS	Delay	v/c	Queue* (ft)	LOS
Richards Ave and Siringo Rd (WB) WB Movement	-	-	-	-	-	-	-	-
	9.3	0.21	25	A	12.8	0.57	100	B
Richards Ave and Siringo Rd (EB) EB Movement	-	-	-	-	-	-	-	-
	18.5	0.03	25	C	14.1	0.04	25	B
SB Left	7.8	0.21	25	A	6.7	0.14	25	A
Richards Ave and Camino del Prado EB Movement	-	-	-	-	-	-	-	-
	9.2	0.02	25	A	10.4	0.07	25	B
NB Left	7.3	0.00	0	A	7.9	0.02	25	A

* – HCM 95th percentile queue rounded to next 25-foot increment

2040 Build Scenario Traffic Analysis

The Phase A study that was previously completed for this corridor demonstrated how a new connection over Arroyo de Los Chamisos at this location would attract traffic to use this new transportation link and reduce traffic on Avenida de Las Campanas, Camino Consuelo, and Camino Carlos Rey. The analysis for this Phase B study does not reanalyze the results from the Phase A study but instead focuses on a detailed analysis of the intersections along Richards to understand what intersection improvements are needed for the implementation of the new connection.

2040 Build Traffic Projections

The 2040 Build scenario is also based on the SFMPO Regional Travel Demand Model. It adds a new transportation link into the model for the construction of the Arroyo de Los Chamisos crossing. The travel demand model estimates the traffic pattern changes that would result by adding the crossing and completing the connection of Richards Ave between Rodeo Rd and Cerrillos Rd. The travel demand model utilizes the PTV VISUM software to estimate the 2040 traffic volumes.

The 2040 Build traffic analysis for this study uses the travel demand model traffic volume estimates the basis for our capacity analysis. The traffic projections for the 2040 Build are included in the electronic appendices and are summarized in **Exhibit 4-8**.

2040 Build Intersection Capacity Analysis

The 2040 Build projected intersection traffic volumes were analyzed using HCS7 software that uses signalized and unsignalized intersection methodology from the Sixth Edition of the HCM. Intersection output reports for the build conditions analysis based on existing lane configurations are included in the electronic appendices and are summarized in **Exhibit 4-9**.



Exhibit 4-8, AM and PM Peak-Hour Intersection Turn Movement Volumes – 2040 Build Scenario

2040 Build Volume by Approach and Movement (vehicles per hour)													
Location Along Richards Avenue	Peak Hour	Eastbound			Westbound			Northbound			Southbound		
		Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
		Rodeo Road	AM	75	811	343	525	836	26	184	313	489	59
	PM	66	1038	448	642	1015	26	308	358	566	91	382	61
Camino del Prado	AM	11		4				9	398			406	37
	PM	7		20				110	431			534	263
Eastbound Siringo Road	AM	5	3	0				75	392	42	24	342	118
	PM	4	10	0				56	333	121	65	442	170
Westbound Siringo Road	AM				35		156		397			449	
	PM				32		565		337			645	
Cerrillos Road	AM	138	2116	237	186	1065	46	146	83	295	18	183	62
	PM	174	1827	317	271	1911	96	312	161	274	59	257	193

Exhibit 4-9, 2040 Build Signalized Intersection Results with Existing Lane Configurations

Intersection	2040 Build AM Peak			2040 Build PM Peak		
	Delay	v/c	LOS	Delay	v/c	LOS
Richards Avenue and Cerrillos Road	57.3	1.080	E	49.9	1.311	D
Richards Avenue and Rodeo Road	92.9	1.242	F	148.5	1.591	F

Both signalized intersections present in the site will require improvements to meet LOS requirements. Richards and Cerrillos experiences multiple movement failures, in the eastbound, westbound, and northbound movements, with a failing overall LOS E in both the AM and PM peak hours. Richards and Rodeo experience similar movement failures in the eastbound, westbound, and northbound movements, with an overall failing LOS F in both the AM and PM peaks.

Unsignalized intersections begin to experience failure at the 2040 Build scenario, as shown in Exhibit 4-10. Richards and Siringo (Westbound) fail in the PM peak, where the combined westbound movement operates at LOS E.

2040 Build Intersection Improvement Alternative Analysis

This section of the report evaluates potential intersection improvements to allow the operations to meet a LOS D or better. These alternatives investigate traffic signal optimization, roadway striping, and physical modifications to the existing intersections. Using the 2040 Build scenario traffic volumes, the intersection improvement alternatives were analyzed using HCS7 software in accordance with the methodology from the Sixth Edition of the HCM. Output from the intersection alternatives analysis is included in the electronic appendices, with a summary of the proposed intersection improvement alternatives provided below.

Exhibit 4-10, 2040 Build Unsignalized Intersection Results

Intersection/Movement	2040 Build AM Peak				2040 Build PM Peak			
	Delay	v/c	Queue* (ft)	LOS	Delay	v/c	Queue* (ft)	LOS
Richards Ave & Siringo Rd (WB)	-	-	-	-	-	-	-	-
WB Movement	16.0	0.40	50	C	42.3	0.92	325	E
Richards Ave & Siringo Rd (EB)	-	-	-	-	-	-	-	-
EB Left	19.1	0.02	25	C	20.0	0.02	25	C
EB Through/Right	28.8	0.02	25	D	34.1	0.08	25	D
NB Left	8.9	0.09	25	A	9.1	0.06	25	A
SB Movement	8.5	0.03	25	A	8.6	0.06	25	A
Richards Ave & Richards (Extension)	-	-	-	-	-	-	-	-
WB Movement	13.0	0.26	50	B	15.7	0.34	50	C
SB Movement	8.2	0.00	0	A	8.3	0.00	0	A
Richards Ave & Camino del Prado	-	-	-	-	-	-	-	-
EB Movement	13.2	0.04	25	B	30.0	0.24	25	D
NB Left	8.4	0.01	0	A	16.7	0.38	50	C

* – HCM 95th percentile queue rounded to next 25-foot increment

Signalized Intersections

Richards Avenue and Cerrillos Road

Based on the 2040 Build analysis, the existing configuration of Richards and Cerrillos experiences multiple movement failures, in the eastbound, westbound, and northbound movements, with a failing overall LOS E in both the AM and PM peak hours. Intersection improvement alternatives were evaluated to remedy failing movements of Richards and Cerrillos intersection. The intersection alternatives include:

- Existing Intersection Configuration. In the AM Peak the overall intersection LOS is E which is unacceptable. The PM Peak will have LOS D but there are some movements that are LOS E or worse.
- Existing Intersection Configuration plus the addition of a dedicated northbound right-turn lane, which would bring the AM Peak to LOS C. The PM peak will operate at LOS D overall, but the eastbound right turn lane would still have a LOS E.
- Existing Intersection Configuration plus the addition of a dedicated northbound right-turn lane and the addition of another westbound left-turn lane. This would convert the westbound left to a dual left turn westbound to southbound. This will remedy all the failing movements bring the overall intersection to LOS C, in both the AM and PM Peak hours.

A comparison of these proposed intersection improvement alternatives is shown in Exhibit 4-11.



Exhibit 4-11, 2040 Build Alternatives – Richards Avenue and Cerrillos Road

Intersection Alternative	2040 Build AM Peak			2040 Build PM Peak		
	Delay	v/c	LOS	Delay	v/c	LOS
Existing Intersection Configuration	57.3	1.080	E	49.9	1.311	D*
Existing Intersection Configuration w/ Addition of NB Right Turn Lane	32.4	0.854	C	35.3	0.969	D*
Existing Intersection Configuration w/ Addition of NB Right Turn Lane & Addition of WB Left Turn Lane	30.2	0.962	C	29.8	0.855	C
* - Individual movements at this intersection experience LOS E or worse						

Although the addition of the northbound right-turn lane and the addition of another westbound left turn lane results in the best LOS for this intersection, it will have right-of-way impacts on the south leg of the intersection and physical constraints may not allow for both of these improvements to be implemented. If it is not possible to implement both of these improvements, then the City may want to consider only implementing the northbound right turn lane and accepting that some movements will have less than desirable LOS during the PM peak period in the horizon year 2040. Especially since these traffic projections are estimated using the travel demand model based on growth assumptions and actually volumes may vary slightly.

Richards Avenue and Rodeo Road

The Richards and Rodeo 2040 intersection analysis results in a LOS F for both AM and PM peak hour periods in the 2040 Build scenario for the existing intersection configuration. To mitigate the failing movements, the following alternatives were evaluated:

- ◆ Existing Intersection Configuration
- ◆ Convert the existing northbound combined through/right turn lane to a dedicated through lane and add another lane that will be striped as a dedicated northbound right turn lane. This improved the intersection to a LOS C in the AM peak and LOS D in the PM peak, however, the NB through movement will still operate at LOS E.
- ◆ Modify the northbound approach to the intersection to include dual lefts, two dedicated through lanes, and a dedicated right turn lane. This will improve the intersection to LOS D or better for all movements.

A comparison of these proposed intersection improvement alternatives is shown in Exhibit 4-12. Both of the alternatives will require additional right-of-way and this will need to be taken into consideration if either of these intersection improvement alternatives is implemented.

Exhibit 4-12, 2040 Build Alternatives – Richards Avenue and Rodeo Road

Intersection Alternative	2040 Build AM Peak			2040 Build PM Peak		
	Delay	v/c	LOS	Delay	v/c	LOS
Existing Intersection Configuration	92.9	1.242	F	148.5	1.591	F
Existing Intersection Configuration plus add a lane NB to create a dedicated NB Through and dedicated NB Right-turn Lane	32.4	0.803	C	38.4	0.961	D*
Existing Intersection Configuration plus add two NB lanes to create two dedicated NB Through Lanes and a dedicated NB Right-turn Lanes	33.0	0.884	C	35.7	0.961	D
* - The NB through is LOS E						

Unsignalized Intersections

Richards Avenue and Siringo Road

While Richards and Siringo Eastbound leg will operate within the acceptable LOS, the Richards and Siringo Westbound leg begin to experience failure. The following two alternatives were evaluated as potential improvements:

- ◆ Existing Intersections Configuration
- ◆ Converting the westbound movement from a single lane into two lanes with a dedicated right turn lane and a dedicated left turn lane. This will bring the overall intersection to LOS D or better.
- ◆ Realigning the intersection to combine it into a single location and install a signal. This will improve the LOS to A in the AM peak and LOS C in the PM peak. However, this will have significant impacts and is not recommended.

The analysis of these proposed improvements are shown in Exhibit 4-13.

Exhibit 4-13, 2040 Build Alternatives – Richards Avenue and Siringo Road

Intersection Alternative	2040 Build AM Peak				2040 Build PM Peak			
	Delay	v/c	Queue* (ft)	LOS	Delay	v/c	Queue* (ft)	LOS
Existing Intersection Configuration	16.0	0.40	50	C	42.3	0.92	325	E
Existing Intersection Configuration with dedicated Left Turn & Right Turn	-	-	-	-	-	-	-	-
WB Left	16.3	0.11	25	C	15.6	0.09	25	C
WB Right	13.3	0.29	50	B	29.9	0.83	250	D
Combine Eastbound and Westbound into Single Intersection and Install a Signal	9.6	0.785	N/A	A	25.6	0.91	N/A	C
* – HCM 95 th percentile queue rounded to next 25-foot increment								



Richards Avenue and Camino del Prado

Under the 2040 Build scenario the intersection of Richards Avenue and Camino del Prado will have three intersection alternatives:

- ◆ Split Tee Configuration – With this alternative, the west leg of the intersection will be the existing Camino del Prado and the east leg will be the current Richards alignment that provides access to the fire station and other existing land uses located south of the arroyo. The Tee intersections will be offset from each other by approximately 150 feet. This configuration will operate within an acceptable LOS for both the AM peak and PM peak.
- ◆ Roundabout - As a roundabout, the intersection of Richards and Camino del Prado/Richards Extension will operate with no movement worse than LOS C.
- ◆ Full Intersection – This alternative will realign the legs to create a single intersection. This will require the alignment of Richards mainline to be shifted slightly east to allow the west leg and east leg to be aligned with each other which will require additional right-of-way. The intersection was evaluated as a signalized intersection. This will result in an overall LOS A for both the AM and PM peaks.

Implementation of these improvements are shown in **Exhibit 4-14**.

Exhibit 4-14, 2040 Build Alternatives – Richards Avenue and Camino del Prado

Intersection Alternative	2040 Build AM Peak				2040 Build PM Peak			
	Delay	v/c	Queue* (ft)	LOS	Delay	v/c	Queue* (ft)	LOS
Split Tee Alternative	-	-	-	-	-	-	-	-
East Leg								
WB Movement	13.0	0.26	50	B	15.7	0.34	50	C
SB Left	8.2	0.00	0	A	8.3	0.00	0	A
West Leg	-	-	-	-	-	-	-	-
EB Movement	13.2	0.04	25	B	30.0	0.24	25	D
NB Left	8.4	0.01	0	A	16.7	0.38	50	C
Roundabout Alternative	-	-	-	-	-	-	-	-
EB Right	4.6	0.02	25	A	9.3	0.10	25	A
WB Right	6.4	0.19	25	A	18.9	0.56	100	C
NB Right	6.0	0.35	50	A	13.4	0.73	200	B
SB Right	5.7	0.34	50	A	24.5	0.86	300	C
SB Bypass Lane	3.0	0.03	25	A	7.6	0.41	75	C
Signalized Full Access Intersection	9.3	0.805	N/A	A	9.5	0.70	N/A	A

* – HCM 95th percentile queue rounded to next 25-foot increment

Recommendations for Intersection Improvements

Based on the intersection alternatives analysis, proposed improvements have been made for the intersections within the project area. A summary of the potential improvements is provided below, which are based on traffic operations only. Other factors such as right-of-way, multi-modal priorities, environmental, and other corridor considerations will need to be taken into consideration before final intersection configurations can be determined. The intersection alternatives described below would provide reasonable traffic performance for the 2040 Build scenario traffic volumes. All recommended improvements should be designed to satisfy NMDOT SAMM, Manual on Uniform Traffic Control Devices (MUTCD), and American Association of State Highway Transportation Officials (AASHTO) design standards.

Richards Avenue and Cerrillos Road:

The following capacity enhancements were identified based on the traffic analysis:

- ◆ Addition of a dedicated northbound right-turn lane on Richards Avenue, which would result in dual left-turn lanes, a through lane and a right-turn lane on the northbound approach; and,
- ◆ Restriping to provide a westbound left-turn lane on Cerrillos which will result in dual left-turn lanes for the westbound-to-southbound movement, which would also require widening of southbound Richards Avenue to provide two-lanes on the departure from Cerrillos Road.

Because these proposed improvements will have right-of-way impacts on the south leg of this intersection, it may not be feasible to implement both of these recommendations due to the physical constraints.

Richards Avenue and Rodeo Road:

The following capacity enhancements were identified based on the traffic analysis:

- ◆ Addition of a dedicated northbound right-turn lane on Richards Avenue; and,
- ◆ Conversion of the shared northbound through/right-turn lane to a through lane, which will result in dual left-turn lanes, a through lane and a right-turn lane on the northbound approach.

This will require widening on Richards Avenue to provide the right-turn lane. Two northbound through lanes are not proposed because that would require widening of Richards Avenue north of Rodeo Road to accommodate two lanes and additional capacity may result in higher traffic volumes on Richards Avenue where one lane is provided further north.

Richards Avenue and Siringo Road:

The following capacity enhancements were identified based on the traffic analysis:

- ◆ Re-configure the westbound approach to create a separate left-turn and right-turn lane; and,
- ◆ Provide a southbound left-turn lane on Richards Avenue to eastbound Siringo Road.

Providing two approach lanes on westbound Siringo Road may impact the existing park between the current one-way pair as well as the residential property on the north side of the street and may not be feasible.

Richards Avenue and Camino del Prado/Fire Station Road:

Several alternatives were considered for these two intersections and the proposed configuration is to maintain the Split Tee Configuration as exists today. Realigning the streets to create a four-way intersection would require substantial ROW from the Rodeo de Santa Fe property and is not needed to provide acceptable traffic performance.

Conclusions

This traffic analysis has determined the Arroyo de Los Chamisos crossing project is feasible under the 2040 Build scenario. The new connection will reduce traffic on other roadways such as Avenida de Las Campanas, Camino Consuelo, and Camino Carlos Rey. Overall, the proposed Arroyo de Los Chamisos crossing will be beneficial to the area, will enhance mobility, and will improve the overall serviceability to the area.

Conceptual Layouts of Intersection Improvements

With the proposed Arroyo de los Chamisos crossing, intersection improvements would be required to provide reasonable traffic performance. These improvements include:



- ◆ Rodeo Road/Richards Avenue (Exhibit 4-15): Additional capacity is needed on northbound Richards Avenue to provide a separate through lane and a separate right-turn lane. The sidewalk would be reconstructed and a retaining wall would be needed due to the topography/elevation drop east of Richards Avenue. The existing traffic signal mast-arm may be able to remain at its current location, which will be determined in preliminary design based on additional survey and ROW investigations. Two pedestal poles would be relocated.
- ◆ Cerrillos Road/Richards Avenue (Exhibit 4-16): Additional capacity is needed on northbound Richards Avenue to provide a separate through lane and a separate right-turn lane. The sidewalk would be reconstructed and a cut-off wall would be needed for slope tie-in grade adjustments. The existing traffic signal mast-arm may be able to remain at its current location, which will be determined in preliminary design based on additional survey and ROW investigations. A pedestal pole with a push-button will be relocated. It is not recommended to provide south-to-east dual left-turn lanes because of insufficient ROW and the merging distance would be too short on Richards Avenue.
- ◆ Richards Avenue/WB Siringo Road (Exhibit 4-17): Additional capacity is needed on westbound Siringo Road to provide separate left-turn and right-turn lanes. The right-turn volume is much heavier than the left-turn volume and is the dominant movement. The proposed widening would not impact the residential driveway on the north side and would stay within ROW on the south side tapering in to avoid a tree removal.

Exhibit 4-15, Rodeo Road/Richards Avenue Improvements

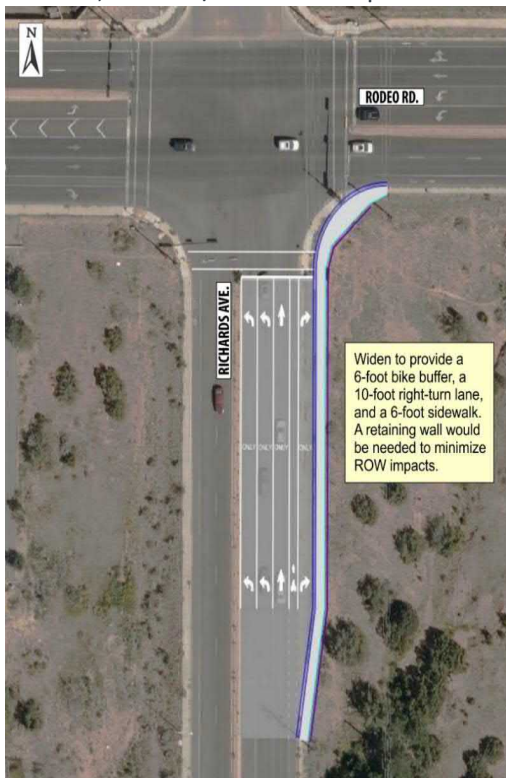
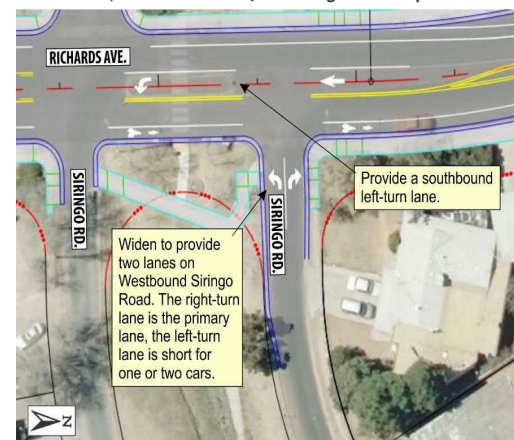


Exhibit 4-16, Cerrillos Road/Richards Avenue Improvements



Exhibit 4-17, Richards Avenue/WB Siringo Road Improvements





Streetlight Big Data

Streetlight Big Data was primarily intended to augment the existing condition traffic volume data obtained during the COVID-19 pandemic that was not representative of pre-pandemic conditions. Streetlight Big Data was also used to review how people currently use the local street system within the project vicinity by reviewing travel patterns at key locations within the project vicinity. The locations examined include:

- ◆ Northbound Richards Avenue south of Rodeo Road (**Exhibit 4-18**)
- ◆ Southbound Richards Avenue north of Cerrillos Road (**Exhibit 4-19**)
- ◆ Travel from Vista del Prado subdivision (**Exhibit 4-20**)
- ◆ Travel from La Resolana subdivision (**Exhibit 4-21**)

The analysis focused on where motorists go from the locations above on typical weekdays, Monday through Thursday, for all of 2019. The exhibits show daily travel patterns for pre-pandemic conditions which helps to provide insights on how much traffic may use the proposed Richards Avenue connection. The Streetlight findings support the results of the detailed traffic analysis which indicates that there is demand for making Richards Avenue continuous between Rodeo Road and Cerrillos Road and balancing north/south travel in this area of Santa Fe. Key observations are summarized below.

- ◆ **Exhibit 4-18:** The data indicate that 60% of the motorists traveling northbound on Richards Avenue turn east on Rodeo Road, while 40% turn west. About 35% travel north on Zafarano Drive, Avenida de las Campanas and Camino Carlos Rey within the study area. Based on the data, it is reasonable to expect that 20% to 25% of the traffic traveling north on Richards Avenue south of Rodeo Road, which is approximately 1,000 vehicles per day, would continue north on Richards Avenue if the proposed improvements were implemented.
- ◆ **Exhibit 4-19:** The data indicate that 57% of the motorists traveling southbound on Richards Avenue turn west on Cerrillos Road, 30% turn east on Cerrillos Road, and 13% travel south to Siringo Road. About 7% travel south on Zafarano Drive to Rodeo Road with 5% heading east. Based on the data, it is reasonable to expect that approximately 300 vehicles per day would continue south on Richards Avenue if the proposed improvements were implemented in addition to those already staying on Richards Avenue to Siringo Road.
- ◆ **Exhibit 4-20:** Residents of Vista del Prado travel west on Rodeo Road (56%), travel east on Rodeo Road (34%), and travel south on Richards Avenue (10%). The data indicate that less than 25 vehicles per day are destined for Cerrillos Road, which may utilize the Richards Avenue connection.
- ◆ **Exhibit 4-21:** Residents of La Resolana almost equally travel north to Cerrillos Road (55%) or east on Siringo Road (45%). The data indicate that less than 40 vehicles per day are destined for Rodeo Road, which may utilize the Richards Avenue connection.

Based on the detailed traffic analysis and Streetlight Big Data, the daily traffic volumes expected to utilize Richards Avenue between Rodeo Road and Cerrillos Road would be commensurate with a local collector street with one travel lane in each direction. It is expected that motorists would seek to balance north/south travel on the parallel streets within this area of Santa Fe, finding an equilibrium based on travel time and delay in each corridor.

Exhibit 4-18, Streetlight Daily Trips in 2019 - Northbound Richards Avenue, South of Rodeo Road

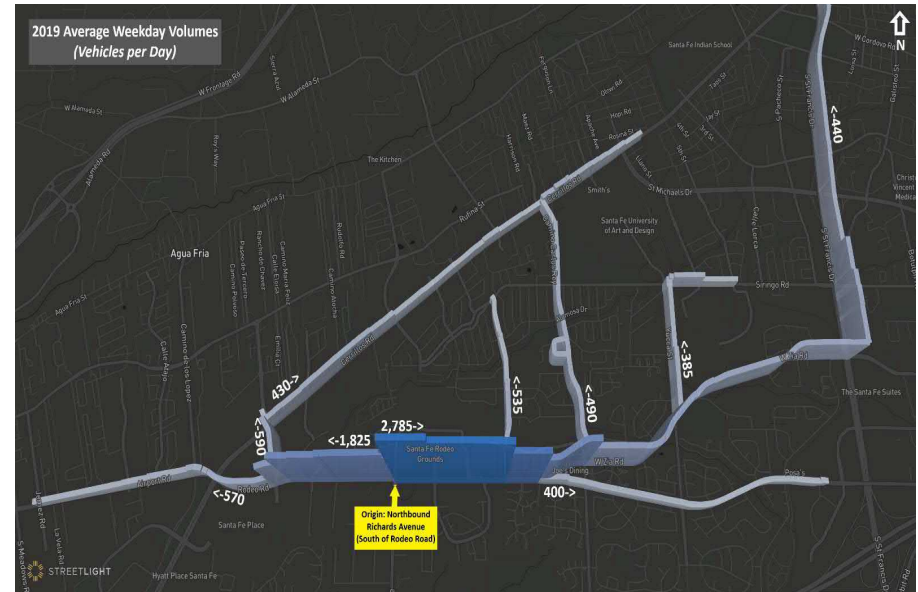


Exhibit 4-19, Streetlight Daily Trips in 2019 - Southbound Richards Avenue, North of Cerrillos Road

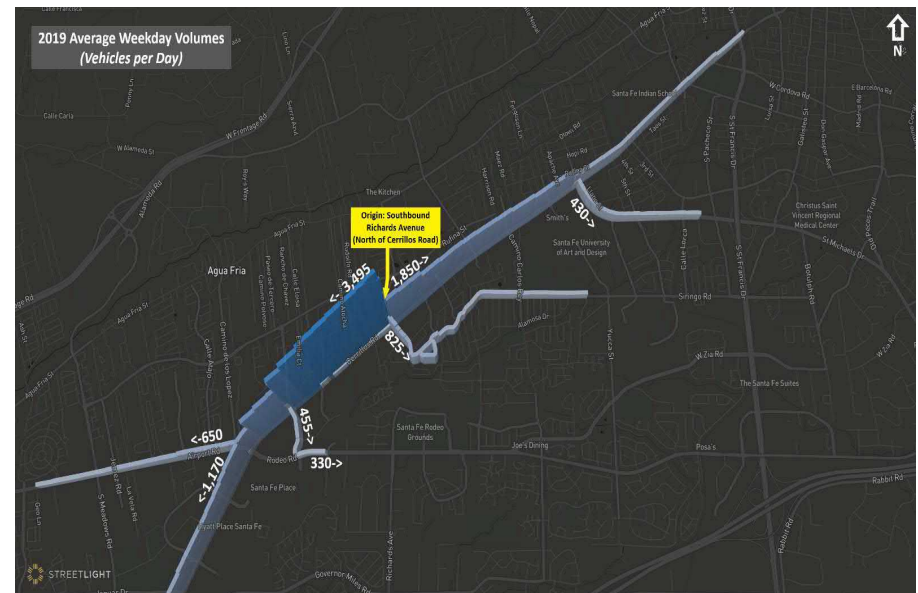
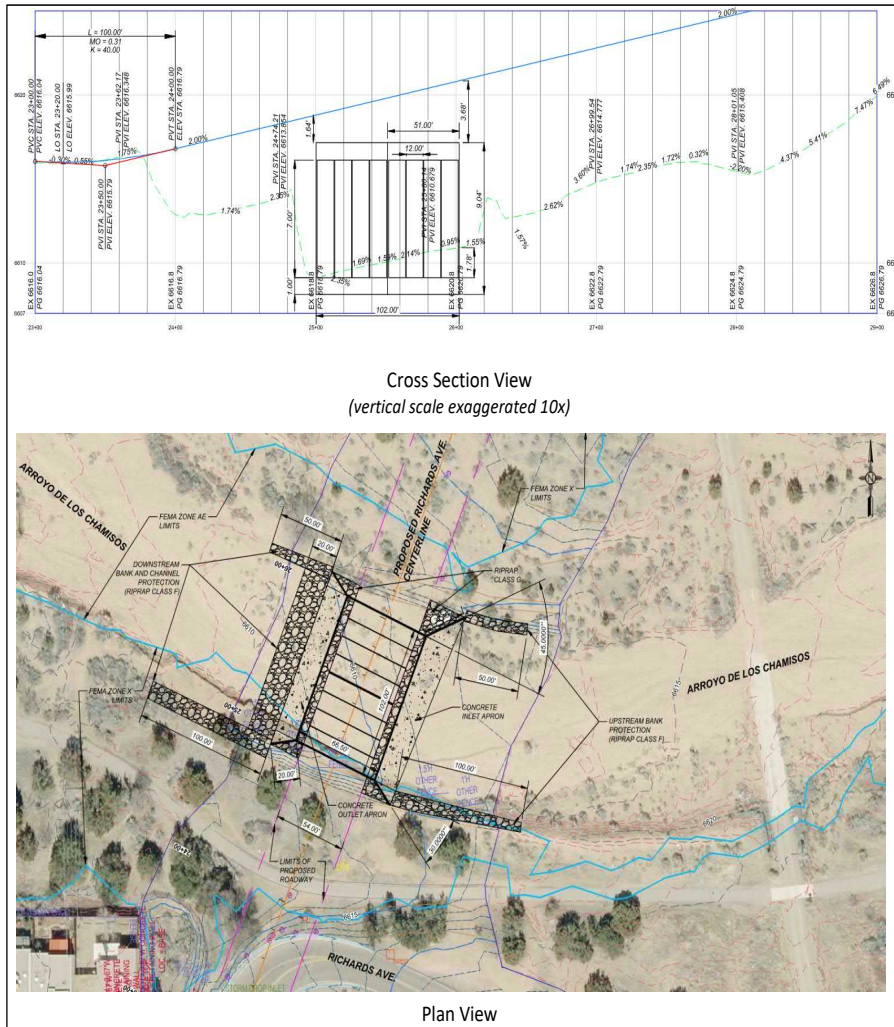


Exhibit 4-22, Concrete Box Culvert Concept for Arroyo de los Chamisos

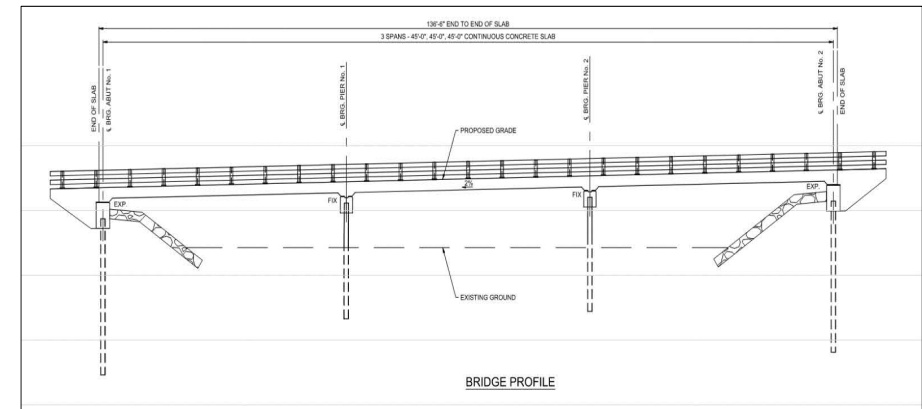


The conceptual layout shows concrete aprons on both the inlet and outlet sides, riprap at the downstream apron, embankment protection on both sides of ADLC, and slope protection between the roadway and the CBC headwalls. Scour and embankment protection on the south side of ADLC will be critical for the long-term viability of the CBC.

Concrete Slab Bridge Alternative - ADLC

A concrete slab bridge alternative for crossing the ADLC is expected to be a three-span bridge between 135 and 140 feet long. Each span would be approximately 45 feet. The bridge deck would typically be about 22 inches deep and the bridge pier may be two 16-inch driven piles or two 36-inch drilled shafts. The piles or shafts would reduce the available cross-sectional area of the arroyo, but not to the extent that the multi-barrel CBC would. The abutments under the bridge would be armored with rip-rap or slope paving. Similar to the CBC alternative, the embankments would be protected for scour but the bottom of the arroyo would remain natural. Scour protection would be needed for each pier. The south bridge abutment and scour protection will need to consider the location of a sanitary sewer easement near the south embankment. A conceptual bridge profile is shown in Exhibit 4-23.

Exhibit 4-23, Concrete Slab Bridge Concept for Arroyo de los Chamisos



In addition, the bridge alternative will provide the nearby community with more openness, attracting nearby pedestrians to interact with the area and provide a positive environment for the neighborhood, along with limiting confined spaces to house transient communities in and around the arroyos.

Arroyo de los Pinos Crossing

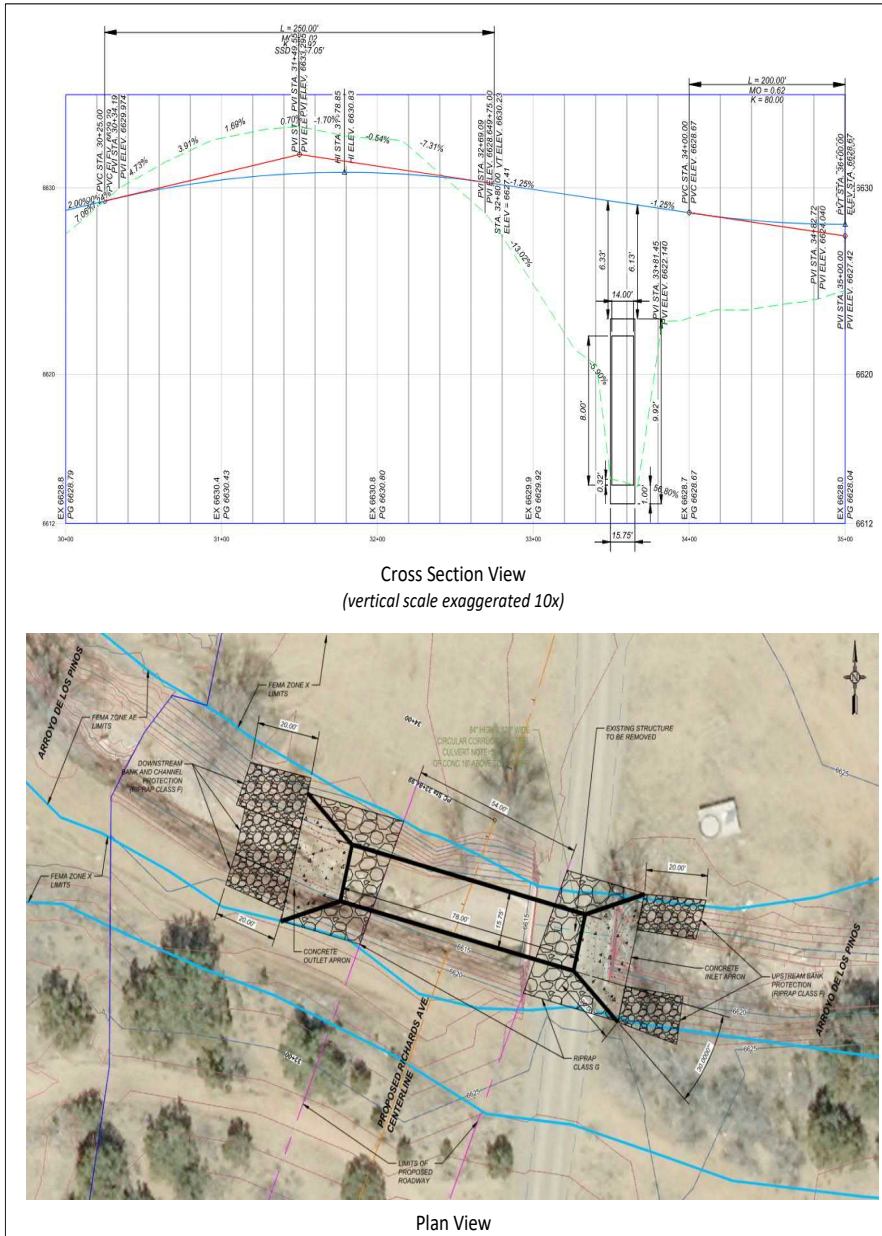
The existing channel bottom width of the Arroyo de los Pinos (ADLP) at the proposed crossing location is 10 to 15 feet. Based on conceptual design, Richards Avenue will span over the arroyo at a constant 1.25% profile grade.

Concrete Box Culvert Alternative - ADLP

For the CBC alternative at the ADLP, a NMDOT standard single-opening CBC 14'W x 8'H was considered. The entire width and height of the CBC is 15 feet 9 inches and 9 feet 11 inches, respectively. To ensure that the upstream CBC invert is flush with the lowest point of the uneven existing ground, one foot of the CBC would be partially buried and only 8 feet 11 inches would be above ground. This CBC would provide a minimum and maximum separation of 6.13 feet and 6.33 feet, respectively, from top of CBC to top of roadway. A conceptual cross section and plan view for the ADLP CBC structure alternative are provided in Exhibit 4-24.



Exhibit 4-24, Concrete Box Culvert Concept for Arroyo de los Pinos



The conceptual layout shows concrete aprons on both the inlet and outlet sides, riprap at the downstream apron, embankment protection on both sides of the channel, and slope protection between the roadway and the CBC headwalls. Scour and embankment protection will be critical for the long-term viability of the CBC.

Concrete Slab Bridge Alternative - ADLP

A concrete slab bridge alternative for crossing the ADLP is a single-span concrete-slab bridge approximately 60 feet long. No bridge piers would be within the arroyo allowing the existing ground to remain undisturbed. The bridge deck would typically be about 20 inches deep. The abutments under the bridge would be armored with rip-rap. Similar to the CBC alternative, the embankments would be protected for scour but the bottom of the arroyo would remain natural.

Drainage

A planning-level drainage evaluation was performed for this Phase B study. Available public data, published regulations, and guidance were reviewed to understand the previous hydrologic and hydraulic studies and documentation pertinent to this project. Following the review of data and documentation, data gaps were identified and summarized to inform needs for preliminary and final design. The project area waterways include Arroyo de los Chamisos, Arroyo de los Pinos, and a tributary to Arroyo de los Pinos referred to as Siringo Drainage (see Exhibit 4-25).

Data Collection

Drainage Infrastructure

Drainage infrastructure was gathered based on the best available data. Five sources were examined to assess the location and condition of existing drainage infrastructure:

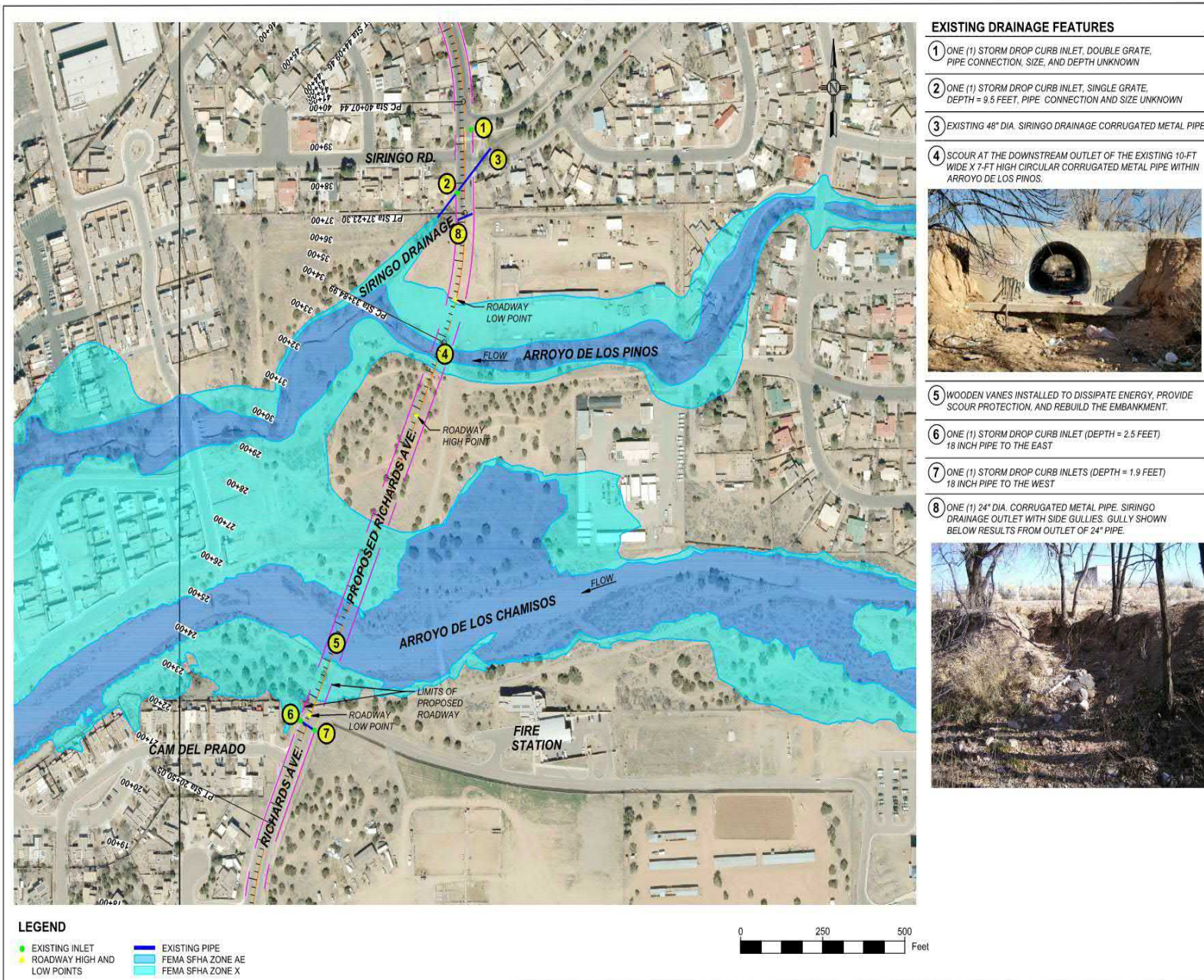
- ◆ Geographic Information System (GIS) Data from the City of Santa Fe
- ◆ Topographic and Site Survey Data from Bohannon Huston Inc.
- ◆ Google Earth
- ◆ Field Visit Photos from December 5, 2021
- ◆ As-Built Plans

Using the sources above, drainage infrastructure is number-logged in Exhibit 4-25 and referred to throughout this section.

The drainage infrastructure GIS data inventory obtained from the City includes culverts, inlets, outlets, channels, curb openings, open drains, ponds, detention ponds, and pond embankments. GIS data within the project boundary is limited to two stormwater inlets on the southern portion of Richards Ave (see Exhibit 4-25, Points 6 and 7). The inlets are located on the east and west side of the existing low point on Richards Avenue. The east inlet is inventoried as “needs immediate cleaning.” Site survey of Point 6 and Point 7 identify connectivity of at least one 18-inch pipe between inlet; however, connection to a trunkline along Richards Avenue or to an outlet due west has not been identified from any available source.



Exhibit 4-25, Existing Drainage Features





On the northern portion of Richards Avenue, site survey data includes one double-grate curb drop inlet north of Siringo Road at the east curb/gutter and one single grate curb drop inlet south of Siringo Road inset into the west curb/gutter (see Exhibit 4-25, Points 1 and 2). No information about storm drain pipes is known at Point 1 nor 2. However, it is expected that these inlets outfall into the Siringo Drainage. Existing culvert data was obtained from a combination of site survey and field visit photos.



Improvements are needed at the Siringo Drainage outlet

The Siringo Drainage crosses Richards Avenue via a 48-inch corrugated metal pipe (CMP) approximately 240 feet long. At the outlet, next to the main channel, there are side gullies where water flows into the drainage. One of these gullies is fed from a 24-inch CMP (see Figure 4-25, Point 8). Field observations indicate a need for improvements at the Siringo Drainage outlet (see photo to right) and the side gullies will also need to be addressed as part of the proposed improvements.

Arroyo de los Chamisos has existing scour countermeasures in the form of wooden vanes along the southern toe of bank (see photo to right). These vanes dissipate the energy from the flow of water near the curve in the arroyo and provide scour protection as well as improves sedimentation to re-build the embankment.

In Arroyo de los Pinos, site survey data includes one 10'W x 7'H culvert (see Exhibit 4-25, Point 4). Field observations indicate scour issues at the downstream end of this existing culvert as well as at the emergency road level at the edges of the culvert headwalls.

The 1996 Vista del Prado As-Built, obtained from the City for the development west of Richards Avenue and south of Camino De Prado, includes a pond constructed west of inlet Point 6. Unfortunately, the As-Built precedes the construction of inlets at Point 6 and Point 7 and additional survey is needed to determine where the flows captured by these inlets discharge. Based on recorded plats, the tract of land that the pond is located on is reserved for roadway purposes and thereby drainage from the roadway could be diverted to the pond if needed.

Topography

LiDAR topographical data from 2014 was reviewed for the project area, including the arroyos. Recent survey data (from May 2019) for a corridor approximately 200 feet wide provides more accurate information along the proposed extension of Richards Avenue from Camino Cielo Vista extending past Siringo Road. The contours on these two surfaces do not always match up and can cause discrepancies within the topography. For example, west and downstream of the proposed Richards Avenue roadway where the survey and LiDAR data meet displays a potential negative slope due to the connection of the two surfaces. This means the existing ground of the arroyo shows a ponded area where both upstream and downstream slopes upward. This major difference in data could be an effect of the "1,000-year" flood that occurred in 2018, which may have drastically changed the contours within the arroyos after the 2014 LiDAR data was obtained (Santa Fe New Mexican, 2018). Utilizing this data in drainage analysis software could create further issues and display unreal conditions that would otherwise not be present in the event of one consistent, updated surface.

Soil Types

YeDoma Consultants, LLC completed a technical memorandum evaluating the geological site conditions of the project area, including soil descriptions. The following is a list of soil descriptions in spatial order along the proposed new Richards Avenue centerline starting at the southern portion of Richards Avenue by Camino del Prado and ending at the northern portion of Richards Avenue by Siringo Road: tanoan encatado, altazano loamy sand, levante riverwash, altazano loamy sand, tanoan encatado, alire loam, tanoan encatado, altazano loamy sand, and alire-urban land complex. These soil types will be considered when selecting infiltration Best Management Practices (BMPs) and in the evaluation of channel bed and bank shear stresses.

Regulations and Guidance

Federal Emergency Management Agency

The Federal Emergency Management Agency (FEMA) prepared a Flood Insurance Study (FIS) for the nearby arroyos, and the flood zones were mapped in Flood Insurance Rate Maps (FIRM) panels 35049C0413E and 35049C0394D (FEMA, 2012 & 2008). The Arroyo de los Chamisos (a.k.a., North Fork) and Arroyo de los Pinos are both within Special Flood Hazard Areas (SFHA) Zone AE and are subject to inundation by the 1% annual chance flood. There are also sections within or nearby the arroyos that fall into Zone X defined as, "areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood," (FEMA, 2012 & 2008).

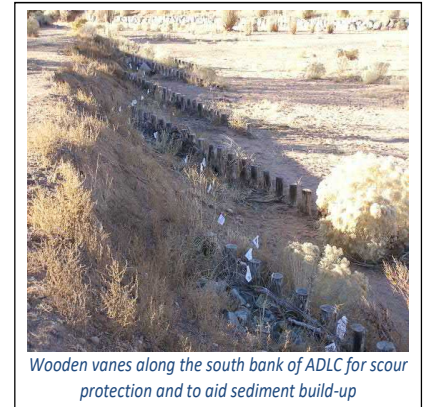
This project will need to comply with all FEMA regulations and will need to receive any necessary approvals and/or exceptions prior to the start of construction within SFHAs. Coordination with FEMA will occur during preliminary and final design.

New Mexico Department of Transportation (NMDOT)

The Standard Specifications and Standard Drawings for Highway and Bridge Construction (SSHBC/SDHBC) by NMDOT were last updated in 2019 and provides regulations for many features involved in this project. If fill is necessary and accepted by FEMA and the Floodplain Administrator, specifications for fill will comply with the SSHBC. Sections 511 and 517 of the SSHBC describe the requirements for concrete structures and precast concrete structures, respectively.

For slope and erosion protection, riprap and/or slope paving will be placed upstream and downstream of structures where side slopes may be impacted by the flow of the 100-year flood event. Sections 602 and 603 of the SSHBC contain specifications for slope and erosion protection structures and temporary erosion and sediment control. The NMDOT Drainage Design Manual (DDM) dated July 2018 states that the bridge freeboard should be a minimum of two (2) feet below the low chord for the 50-year flood event.

This project will comply with all NMDOT regulations, in collaboration with City of Santa Fe staff, and any necessary approvals and/or exceptions will be documented prior to completion of final design.



Wooden vanes along the south bank of ADLC for scour protection and to aid sediment build-up



Local Ordinance

Santa Fe County’s Ordinance No. 2008-10 provides regulations for flood damage prevention and stormwater management. Section 3.5 of the Ordinance states that proposed construction of roadways, bridges and other transportation facilities in Zone AE requires a Floodplain Development Permit and detailed technical analyses. The ordinance states that placement of fill or other improvements in the floodplain require a request submitted to FEMA. Section 3.4 of the Ordinance states that no development can increase the flood height by one (1) foot or greater due to floodplain storage area lost, without first obtaining a Conditional Letter of Map Revision (CLOMR) from FEMA. All arroyos in Santa Fe County cannot be altered, widened, deepened, filled or improved including the construction of drainage structures, unless first approved by the Floodplain Administrator and any other local, state or federal agencies having jurisdiction over such activity. The construction of new non-residential structures shall have the lowest floor at least two (2) feet above the base flood level or be floodproofed per Santa Fe County’s regulations.

The Ordinance also states that culverts, open channels, and storm drain systems shall have sufficient capacity to prevent roadway overtopping in the 100-year flood event, as well as provide a minimum of one foot of freeboard. Section 5.9(C) in the Ordinance states, in addition to the freeboard, that concrete channels and unlined channels shall not exceed a velocity of 35 ft/s and 4 ft/s, respectively.

This project will comply with all Santa Fe County and other local regulations and any necessary approvals and/or exceptions will be documented prior to the start of construction.

Data Gaps and Ongoing Coordination

To further assist with the detailed drainage evaluation during the design phase, it will be important to obtain an “effective FEMA model” to create proper HEC-RAS models. Additionally, a detailed survey of outfalls and all drainage structures within the proposed construction limits along with extended topography upstream and downstream of major structures, to replace the 2014 LiDAR, will be needed for sufficient drainage information. Continued coordination with City drainage staff will also be needed.

Conceptual Design and Evaluation

Existing Drainage Patterns

From Rodeo Road to ADLC, Richards Avenue has curb and gutter and the roadway low point just south of ADLC is drained by two inlets in sag. Note, this analysis does not consider storm drainage south of Camino del Prado.

The existing drainage patterns within the undeveloped area where the roadway extension is proposed is based on the current topography of the land. Within the undeveloped land in the proposed street alignment, a high point is located between ADLC and Arroyo de los Pinos. The flow within both arroyos travels westward toward a confluence west of Richard’s Avenue where the arroyo eventually connects with the Santa Fe River miles downstream. Each arroyo falls in SFHA Zone AE and Zone X. These zones have additional regulations because they are expected to flood during a 100-year flood event.

North of ADLC/undeveloped land to Cerrillos Road, Richards Avenue has curb and gutter along the east and west sides of the street and the roadway drains south to one inlet on both sides of the street. Based on downstream erosion patterns, runoff bypasses the inlets to the undeveloped land. Where the street and curb and gutter ends, concentrated channel flow along the curb face releases onto unprotected dirt surrounding the Siringo Drainage, which are thought to contribute to the existing gullies on the south side of the Siringo Drainage outlet. A culvert

pipe crossing Richards Avenue south of the existing pavement (Exhibit 4-25, Point 8) collects flow which outlets southeast of the Siringo drainage channel and eventually flows into the Siringo Drainage via a gully.

Drainage Design Criteria

Exhibit 4-26 provides a list of design criteria that must be satisfied when considering the multiple drainage infrastructure alternatives. The criteria are provided for informational purposes; a detailed drainage analysis and Preliminary Drainage Report will be prepared as part of preliminary design.

Exhibit 4-26, Drainage Design Criteria

Table with 4 columns: Criteria, Value, Reference. Rows include Floodplain (100-Year Flood Peak Flow, Water Surface Elevation Rise, etc.), Bridge Scour (Design Storm, Check Storm), Roadway Drainage (Existing Culvert, New Culvert, Sidewalk Culvert, Roadside Ditches and Inlets, Curb Drop Inlets).



	Criteria	Value	Reference
	Storm Drain Diameter (trunk, lateral) Slope Velocity	24-in, 24-in (minimum) 0.3% (minimum) 2.5 ft/s (minimum)	NMDOT DDM Table 206-1
	Time of Concentration	10 minutes (minimum)	NMDOT DDM Section 403.1
Green Infrastructure/ Water Quality Design	80 th percentile rainfall event	0.50 inches	EPA MS4 Permit, section V.7.B
	90 th percentile rainfall event	0.68 inches	EPA
	Infiltration rate	05 in/hr (minimum)	

Proposed Drainage Patterns

The proposed drainage patterns in the project area generally mimic the existing drainage pattern with a few deviations. The roadway low point north of Camino del Prado remains and the high point between the two arroyos remains. One new low point is created 120 feet north of Arroyo de los Pinos. The proposed roadway high point requires earthwork to achieve the roadway elevation. The roadway will be crowned and curbed allowing runoff to drain off to the edges of the road. In the existing undeveloped condition, the dominant flow regime is sheet flow whereas in the proposed condition, the dominant regime will be concentrated curb flow. The roadway increases the impervious area in the project zone and decreases the time of concentration for stormwater runoff to travel to its respective arroyo. The proposed drainage infrastructure must handle these potential changes impacting each arroyo. Drainage patterns in the north segment of Richards Avenue will remain as exists.

Proposed Drainage Infrastructure

Arroyo de los Chamisos (North Fork)

Multiple drainage structure design alternatives were analyzed for the roadway crossing of the ADLC. One approach is a concrete box culvert (CBC) with quadruple openings 12 feet wide and 7 feet high. The design consists of two NMDOT standard quadruple opening CBCs, for a total of 8 openings. The entire width of these CBCs together is 102 feet with a height of 8 feet 0.5 inches from existing ground to the top of CBC. One foot of the CBC is placed below existing ground so the CBC upstream invert is flush with existing ground. Assuming at least 1.5 feet is necessary between the top of CBC and roadway finished ground, this option provides a minimum and maximum separation of 1.64 feet and 3.68 feet, respectively. A cross section, plan view, and HY-8 calculation are provided in the [electronic appendices](#). HY-8 calculations were used to analyze flow within culverts and to ensure flows do not overtop the roadway.

CBCs are typically considered as a design alternative at roadway crossings due to the ease of procuring and installing culvert materials. Standard Drawings are available for both CBC alternatives. However, due to the channel span of ADLC, the CBC structures are large and their cumulative wall thickness is a flow barrier as well as trapping debris. A bottleneck effect is likely and flows exiting the CBC have a higher scour potential. As a scour countermeasure, riprap and concrete aprons will be considered. These countermeasures, along with necessary maintenance, will ultimately cause the cost of this option to increase over its lifetime.

Another approach is a 3-span, concrete-slab bridge over the ADLC. The bridge deck is assumed to be 22 inches for preliminary analysis and the bridge pier alternatives are two 16-inch driven piles or two 36-inch drilled shafts. The piles or shafts reduce the available cross-sectional area of the channel, but not to the extent that CBCs would. A

channel cross section and HEC-RAS exhibit are provided in the [electronic appendices](#). The HEC-RAS model was used to analyze changes in water surface elevations caused by the bridge deck, piles or shafts. The HEC-RAS model is rudimentary and does not consider ineffective flow areas.

A 3-span bridge may have higher upfront costs than a CBC alternative, but likely has lower costs over its lifetime. Knowing that scour potential is a threat at bridge piers, scour countermeasures can be focused at the two pier locations and along the bridge abutments. In comparison, the CBC alternative requires scour protections along the full arroyo bed and banks upstream and downstream of the roadway crossing. For the bridge and CBC alternatives, the existing wooden vanes that prevent further lateral movement along the southern ADLC toe of bank would be kept intact or replaced with a similar countermeasure.

Arroyo de los Pinos

CBC and bridge design alternatives were explored for Arroyo de los Pinos. For the CBC alternative, a NMDOT standard single-opening CBC 14’W x 8’H was considered. The entire width and height of the CBC is 15 feet 9 inches and 9 feet 11 inches, respectively. To ensure that the upstream CBC invert is flush with the lowest point of the uneven existing ground, one foot of the CBC would be partially buried and only 8 feet 11 inches would be above ground. This CBC would provide a minimum and maximum separation of 6.13 feet and 6.33 feet, respectively, from top of CBC to top of roadway. A cross section, plan view, and HY-8 calculation illustrations are provided in the [electronic appendices](#).

The second option to cross the Arroyo de los Pinos is a single-span concrete-slab bridge. No bridge piers would be within the arroyo allowing the existing ground to remain undisturbed.

The advantages and disadvantages of a CBC from a drainage perspective are similar to those listed above in the ADLC section. One main difference is Arroyo de los Pinos is a narrower arroyo and a single opening CBC is sufficient. This eliminates the concern of CBC wall thickness impeding flow. Note that in the project area, scour is a known concern and existing culverts, albeit steel, are not in safe working condition. Due to the narrowness of Arroyo de los Pinos, the velocity will likely be higher than in ADLC and is presumed to be more prone to scour; having minimal flow barriers is optimal. Since the arroyo is narrow, a bridge can span the entirety of the arroyo. This produces minimal changes to the current flood patterns. A benefit of the bridge alternative over the CBC alternative is the ability to accommodate the bend of the arroyo. Design parameters will be determined in preliminary design.

Roadway Drainage Infrastructure

As the roadway design progresses, the drainage design will follow. Roadway curb drop inlets, new culverts, sidewalk culverts, and storm drains may be incorporated into the design, as needed. The roadway cross section includes travel lanes, bike lanes, curb and gutter and sidewalks. In order to treat roadway runoff, flow received at the curb will intermittently release via sidewalk culverts, or other means, to a roadside rundown. At the toe of the rundowns, linear BMPs will be sited. Roadway and bridge rundowns (NMDOT Std Dwg Section 515) will be needed on the east and west back of walks at each end of the crossing structures for each arroyo crossing and at the Siringo Drainage (10 total, minimum). In the vicinity of Siringo Drainage, the grading and earthwork required to build the proposed alignment will remedy the existing excessive scour/gullies. Additionally, the collapsed end of the 48” culvert will be restored. Calculations supporting adherence to the criteria in **Exhibit 4-26** will be provided in design.

Green Infrastructure

Other recent projects completed in the City of Santa Fe will be reviewed to cross-reference possible green infrastructure that could be used for this project. Following this review a compilation of green infrastructures will be generated and all viable options will be explored for further analysis. All potential locations where green



infrastructure can be utilized will be identified throughout the project footprint. Ultimately, a green infrastructure network will be chosen where it supports the drainage systems and is a cost-effective solution. Possible green infrastructure that can be incorporated into this project are rain gardens or planter boxes along the roadway, bioswales to safely carry stormwater to an appropriate location, or permeable pavement on the sidewalk which does not cross above an arroyo. The use of green infrastructure determination will be completed in design.

Municipal Separate Storm Sewer System (MS4)

Small Municipal Separate Storm Sewer Systems (MS4) discharges in the City of Santa Fe urbanized area are covered under National Pollutant Discharge Elimination System (NPDES) General Permit No. NMR040000 (herein Phase II “MS4 Permit”). Permittees include the City of Santa Fe, Santa Fe County, and NM Department of Transportation District 5. Under the Phase II MS4 Permit, each permittee must develop and implement a comprehensive Storm Water Management Plan (SWMP) (COSF, 2022). The SWMP must address the Six Minimum Control Measures: (1) Public Education/Outreach, (2) Public Involvement/Participation, (3) Illicit Discharge Detection and Elimination, (4) Construction Site Storm Water Runoff Control, (5) Post-Construction Storm Water Management, and (6) Pollution Prevention/Good Housekeeping.

The Phase II MS4 Permit includes conditions requiring controls to mimic predevelopment runoff for up to the 90th percentile storm event associated with new development sites and 80th percentile storm event associated with redevelopment sites intended to reduce the pollutants in discharges from new or significant redevelopment sites (EPA, 2015). As the design progresses, siting for the aforementioned detention control will be determined. Infiltration Best Management Practices (BMPs) are generally given high priority due to low maintenance costs and high pollutant removal efficiencies. Use of infiltration BMPs is highly dependent on water table depth, to be determined from future boring explorations. Inlet inserts that target oil, metals, and sediment are favorable in paved developments with limited right-of-way. These drainage components will be included within the drainage system as the design progresses.

Next Steps for Drainage

In the next phase, the preferred alternative for each arroyo will be advanced in greater detail. The drainage team will work closely with the roadway and structures teams in developing the designs. For floodplain studies, coordination with the local floodplain administrator will occur to secure the HEC-RAS effective model. This will allow for a baseline model against which preferred alternative developments in SFHA Zone AE will be modeled. The bed and bank shear stresses simulated in the HEC-RAS model will guide the design of scour countermeasures. The need for a Letter of Map Revision (LOMR) or Conditional Letter of Map Revision (CLOMR) shall be identified through discussions with the floodplain administrator.

Roadway drainage and Green Infrastructure design will advance as roadway geometrics are finalized and as the data gaps needed for drainage analysis are closed. In addition to inlets and swales, the location of rundown flumes will be identified in the next phase to safely convey flow to the base of the proposed cut/fill line. Hydrologic and hydraulic calculations will support the design. Coordination with NMDOT, City of Santa Fe, the FEMA Floodplain Administrator, and the Municipal Separate Storm Sewer System (MS4) Coordinator regarding all drainage issues and concerns will be performed.

Geotechnical

A technical memorandum documenting a geotechnical desktop study and field review was completed by YeDoma Consultants, LLC on May 5, 2021. Refer to the technical memorandum in the [electronic appendices](#) for further details. YeDoma evaluated the site with a desktop study, reviewing the Santa Fe County Area soil mapping in the area. The site is underlain by alluvium and riverwash deposits. The geologic mapping provides more context for the over-consolidated deposits that are on the north side of the Arroyo de los Chamisos. YeDoma determined that the project is feasible from a geotechnical viewpoint based on the Phase A conceptual drawings and prepared an exploration map for project development purposes. The selection of the preferred alternative for the proposed improvements is not contingent on geotechnical conditions.

Key findings of the soil mapping review include:

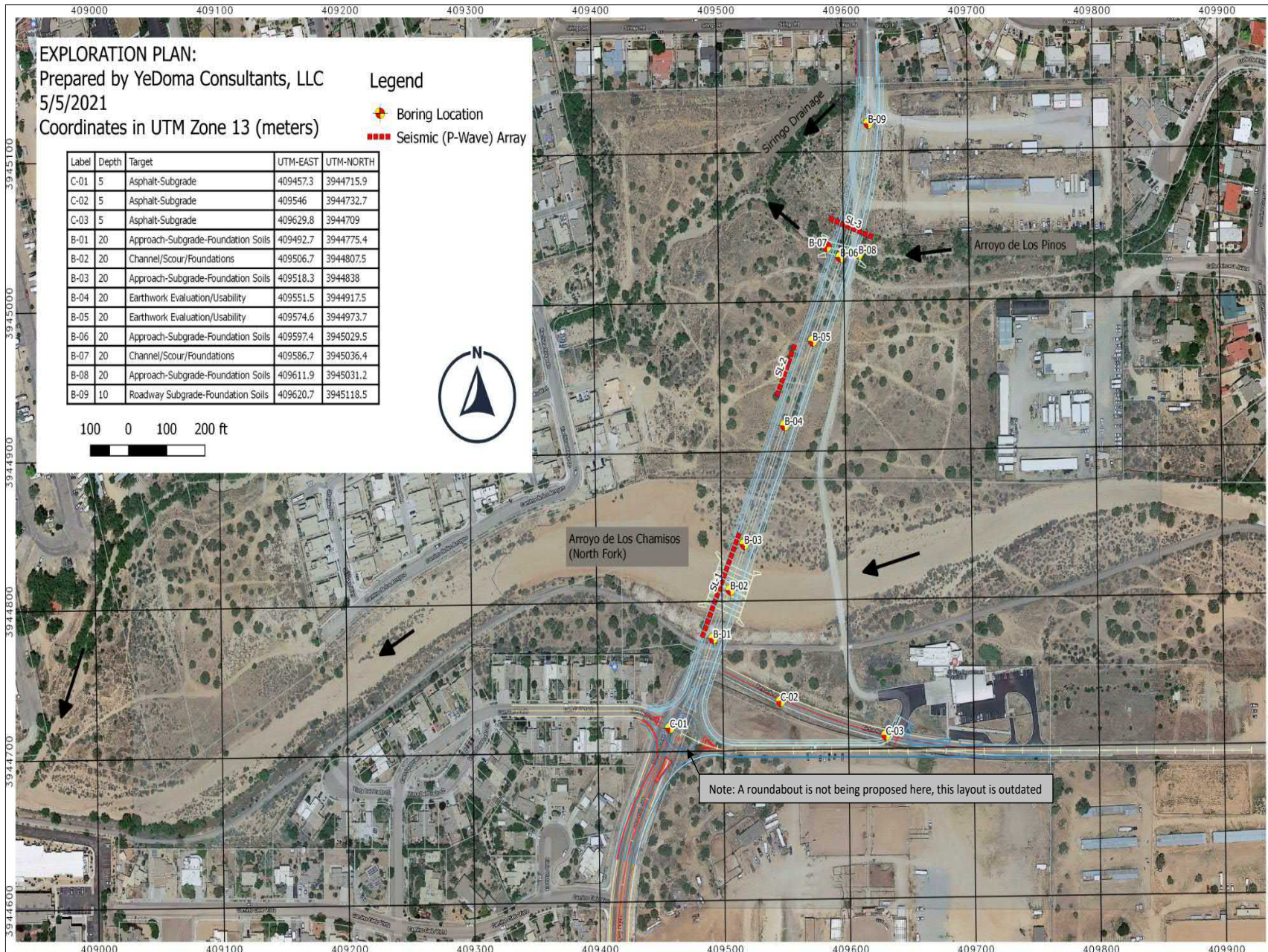
- ◆ Levante Riverwash is mapped in the active channel of Arroyo de Los Chamisos and is comprised of gently sloping gravelly coarse sand and may have lenses of clay stratification of low plasticity at depth. This material is generally high quality (A-1-b) for use as a roadway subgrade material and prone to flooding. There is slight cementing in the subsurface material with up to 10 percent calcium carbonate.
- ◆ Altazano loamy sand is present on each bank of the Arroyo de Los Chamisos and on gentle slopes (0-2%). The material (A-4) has fines of low plasticity in the upper two-feet, beneath which the soil increases in plasticity (A-6) to depths up to six feet with underlying gravelly silty sand (A-1-b). This material is mapped in the approach and departure fills of the proposed structure spanning Arroyo de Los Chamisos. As such, it is anticipated that the poor subgrade material will need to be tested as part of the design phase of the project.
- ◆ Tanoan-Encatado mantles sloping terrain along the upland portion of the project dividing the two drainage crossings. The usability of this material will be an important part of mass-balance earthwork computations. From the desktop study, this material has an engineering classification of A-4 which is not desirable for embankment material. The material is slightly cemented, calcium carbonate development is quantified up to 20 percent is anticipated. Typically, it has forty to fifty percent fines of low plasticity. This unit will require additional subsurface testing including index tests and Proctor testing to further evaluate.
- ◆ Alire loam is gently sloping (2-6%) on the higher elevation of the ridgeline separating the two drainage features within the project limits. The material classifies (A-4, A-6) as poor subgrade material and has fines that exceed 60-70% (clay) in the upper four feet, beneath the material is gravelly sand (A-2-4) with fines of low plasticity. The deposit is moderately cemented with up to 40 percent calcium carbonate.

Potential Exploration Plan Map

A potential exploration map to assess geotechnical conditions for the project is provided in **Exhibit 4-27**. It is anticipated that project development will include pavement design, foundation design, slope stability and earthwork recommendations. Three separate-covered reports (i.e., two foundation reports, one geotechnical report) are proposed to be developed such that each major drainage structure has a stand-alone Foundation Report, while pavement design, retaining walls, and earthwork factors, details and recommendations are collated into a Geotechnical Report. The work should include provisions for three pavement cores to determine the thickness of the existing pavement and subgrade conditions. Subgrade should be tested using the R-value (AASHTO T-190) as the basis for design; a total of nine geotechnical borings are proposed, which some of these could double up with pavement subgrade testing. It is recommended to test a total of five samples for R-Value by T-190 along with index testing and soil classifications. Geotechnical testing should include consolidation and swell testing of fine-grained



Exhibit 4-27, Potential Geotechnical Exploration Plan for Design



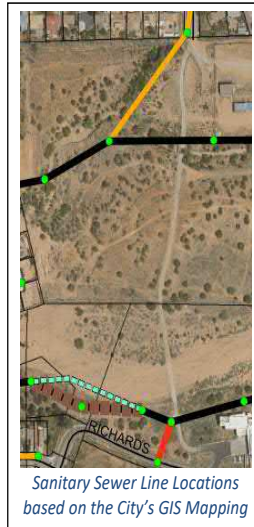


soils and recommendations that are anticipated to be used for embankment material. Direct shear testing AAHTO T-236 should be conducted at each structure crossing. Four tests of native material that is anticipated to be used for embankment material (remolded samples) are recommended. Each approach should be sampled and evaluated for bearing resistance, settlement potential and lateral earth pressures. Corrosivity testing is recommended (resistivity) based on AASHTO test methods. We included a total of nine borings for characterizing subgrade bearing conditions. Three seismic lines are recommended to build confidence in the lateral extent of the subsurface units and to evaluate the Arroyo de los Chamisos crossing for seismic site design classification purposes.

Utilities

Utility owners were contacted to request if they have utilities in the Richards Avenue corridor between Rodeo Road and Cerrillos Road. Based on the responses, there are overhead and underground utilities throughout the project limits. A summary of key findings follows:

- ◆ Reconstruction of the existing roadways is expected to require adjustments to grade for water valves, water meters, and manholes. Construction is expected to be two feet deep or less, so major utility impacts are not expected. There are currently no water lines within the undeveloped lands between the south and north segments of Richards Avenue. The City of Santa Fe Water Division also provided the following:
 - Because the 8” cast-iron water line within Richards Avenue in the La Resolana subdivision was built in the 1960’s, the City may consider replacing some or all of that section of water line.
 - The City would also consider making a water line connection across the undeveloped lands thereby completing a loop and improving pressure zone 6 of the City’s water system.
- ◆ New construction for the proposed roadway extension will cross two sanitary sewer trunklines, one on the south side of ADLC and one along the ADLP (see image to the right). There are distribution lines in Richards Avenue from the NMGF property to south of Cerrillos Road for which nine manholes will need to be adjusted.
 - A sanitary sewer line easement is shown in the property records that crosses into the ADLC (dashed line in image). However, the sewer line was washed away when the 500-year storm occurred. The original 15” clay sewer line was removed for the most part, and a new line was installed south of and outside the ADLC.
 - The sewer trunk line parallel to the ADLP will be a consideration in the structure design crossing the arroyo, particularly for the substructure design elements.
- ◆ Overhead electric and communication lines cross at several locations. The crossings are between Camino Cielo Vista and Camino del Prado, along the south side of the La Resolana subdivision, at the Walgreens/Savers shopping center access north of James Street, and near the Defined Fitness/Mattress Firm access south of Cerrillos Road. There are also utility poles along the east side of Richards Avenue from Louraine Circle to south of Cerrillos Road. One wood utility pole on the east side of Richards Avenue near James Street is expected to be in the middle of the proposed sidewalk. Further investigation is needed to determine if this pole or other poles may need to be relocated to provide acceptable walkability on the sidewalks.



- ◆ Gas lines exist along the east side of Richards Avenue, above-ground near James Street. A gas line also crosses east-west in the north part of the undeveloped land. A marker exists in the Siringo Drainage outfall area.
 - NM Gas has standard high pressure (HP) gas mains and a very high pressure (VHP) gas main within the project limits.
 - The VHP line (8” coated steel) runs along the east side of Richards from south of Rodeo Road to the NMGF property where it turns west as a 10” coated steel line up to the subdivision then turns east back to the Richards Avenue alignment. It continues north as a 4” coated steel line on the east side to Cerrillos Road. The Richards and James Street Regulator Station is on the east side of the road. The 4” VHP line changes to 8” north of the regulator station.
 - The HP lines are the distribution lanes serving properties throughout the project limits. From Rodeo Road to the current end of Richards Avenue, a 4” line is on the west side then turns to the Fire Station as a 2” line. There is a 1” HP line serving the New Mexico Forestry Division property that joins a 4” line at Richards Avenue south of Siringo Road. The 4” line runs along the west side of Richards to Cerrillos Road. It changes to an 8” line from James Street to Cerrillos Road.
- ◆ Overhead and buried fiber optic or telephone lines exist as follows:
 - Comcast is on PNM utility poles and has an underground line on the west side of Richards from Rodeo Road to the current end of Richards where it turns east and up to the emergency access road.
 - Conterra is on PNM poles only.
 - CenturyLink has buried copper lines and a fiber optic line from Rodeo Road to the current end of Richards where it turns east along the north side of the Fire Station Road. There are pull boxes and pedestals at the Richards/Fire Station road intersection so impacts to ducts, cables, pull boxes and pedestals are expected. There are buried copper lines on the west side of Richards Avenue up to Fire Station road. There is a duct bank with 8 ducts along Fire Station road from Richards Avenue. On the north segment, there is a buried copper cable midway between Louraine Circle and Louraine Street that crosses Richards Avenue.
 - Lumen has established a project number that will need to be referenced as the project moves forward which is P-234634 NM. The Lumen lines, both overhead and underground copper lines, mimic CenturyLink’s lines for the most part.
- ◆ Spot street lighting exists primarily at intersections. Lighting is provided on Type V poles and on wooden utility poles.

Subsurface utility engineering (SUE) will need to be performed as part of preliminary design to assess potential utility conflicts. Utility coordination per NMDOT procedures will also need to be performed, which will be a key requirement if federal funds are used for this project.

Right-of-Way

Apparent Right-of-Way Limits

The apparent right-of-way (ROW) limits in the Richards Avenue corridor were identified based on recorded plat information and the City’s GIS data. A boundary survey was not completed as part of the study phase of this project, which will be required to define ROW impacts. The ROW limits are summarized in Exhibit 4-28. A roadway corridor



exists except for crossing the arroyos/undeveloped land, which is owned by the New Mexico Game and Fish Department (NMGF). As such, the City will need to acquire ROW for the Arroyo de los Chamisos crossing from the NMGF and other modifications to existing agreements may be needed. The apparent ROW limits are shown on the conceptual design plans in the Appendix and included in the electronic appendices.

Exhibit 4-28, Existing Richards Avenue Right-of-Way

Richards Avenue Segment	Right-of-Way Width (feet)	Comments
Rodeo Road to North of Camino del Prado	90'	recorded plat
North of Camino del Prado to NMGF Property	90'	recorded plat showing 90' corridor is intended up to ADLC; part of west boundary defined by Santa Fe Park Land; 12' trail easement crosses; 20' sewer line easement crosses; no corridor shown across ADLC
Across the NMGF Property	-	roadway corridor not platted
NMGF Property to North of James Street	88'	recorded plat
North of James Street to Cerrillos Road	~80' to 90'	estimated based on city GIS data

Proposed ROW Conditions

Additional ROW in the form of acquisitions, temporary construction permits (TCP), or construction maintenance easements (CME) will be required to implement the proposed improvements. The locations where additional ROW will be needed include:

- ◆ South of Rodeo Road: ROW impacts are expected to add a northbound right-turn lane at the Rodeo Road/Richards Avenue intersection. This will be determined in preliminary design. The property is owned by Pueblos de Rodeo Road Owners Association.
- ◆ North of Rodeo Road to North of Camino del Prado: Additional ROW and/or TCPs will be needed at spot locations to implement a sidewalk on the east side of Richards Avenue. The property is owned by Rodeo de Santa Fe Inc.
- ◆ Rodeo de Santa Fe Property south of the NMGF Property: Coordination will be required with Rodeo de Santa Fe to create a public roadway ROW or easement corridor for the Arroyo de los Chamisos Crossing and for embankment protection along both sides of the Arroyo de los Chamisos. The embankment protection could be part of the roadway easement/ROW or may require CMEs. There is also Santa Fe park land that may be impacted.
- ◆ Across NMGF Property: At a minimum, a roadway corridor for Richards Avenue will be needed across this property; the City is considering the entire NMGF parcel for other uses as the NMGF is ready to sell the property.
- ◆ South of Cerrillos Road: Existing sidewalks appear to be outside public ROW and additional ROW may be needed for intersection improvements. Multiple commercial property owners will be involved (DGG Holdings, LLC (NE corner), C/O Columbus Capital (south of DGG), and Cashway Building Materials (SW corner).

Encroachments

Within the segment of Richards Avenue from the NMGF land to James Street, many encroachments into the public ROW exist. The existing ROW is 88 feet based on records research. Some property owners have placed walls and fence lines which are encroaching onto the Richards Avenue ROW. Further research by the City is needed for each parcel to confirm ownership, their legal descriptions and if there are any agreements between the City of Santa Fe and the private owners to allow for the encroachments.

In most cases for such encroachments, the City should have licensed them to have the walls in the ROW if proper permitting was completed. However, there generally are provisions within the license agreements for surrender of the underlying lands and removal of any improvements when the land is needed for a public purpose. For those that are confirmed to have no permits or agreements, their improvements are at risk and the City could give them notice to remove their improvements prior to start of construction. This issue is not expected to be resolved during the Phase B study.

Potential Prescriptive Use Sidewalks

Existing sidewalks south of Cerrillos Road appear to be outside of the apparent ROW limits. It is expected that the City will reconcile sidewalk ownership as part of the proposed improvements, if required. This will be determined based on a boundary survey and records searches. An example is the sidewalk on the east side within the property north of James Street owned by C/O Columbus Capital.

Environmental

It is anticipated that future funding sources may include state and/or federal funding; therefore, this project is expected to comply with the National Environmental Policy Act (NEPA) during preliminary design and prior to final design and construction. The investigations and documentation for the NEPA process will be completed during Phase C of the NMDOT Location Study Procedures and project development process, concurrent with preliminary and final design.

As a Tribal and Local Public Agency (T/LPA) project being led by the City of Santa Fe, the environmental level of effort will need to be coordinated with the NMDOT, per the NMDOT T/LPA Handbook (2020). The T/LPA Handbook requires the submittal of a Level of Effort (LOE) form with details on the potential impacts to the natural, social, and economic environment within the study area. With this information, the NMDOT Environmental Bureau determines what level of effort is required for Phase C and the NMDOT Environmental Certification.

A few of the issues noted to date, in Phase A and through the investigations in Phase B, include potential impacts to the drainage features, potential changes in travel patterns and traffic volumes, opportunities to enhance bicycle and pedestrian facilities, consideration of potential traffic noise increases, right-of-way and encroachment issues, future benefits to economic development due to improved connectivity, and open space preservation. The proposed roadway would traverse the Arroyo Chamisos disc golf course and would require modifications to the course layout.

All ROW acquisition will follow federal requirements; however, there is one location along Siringo Road that may require acquisition of land from a city-owned park (Marcel Marc Brandt Park). Under this scenario, the potential for Section 4(f) impacts may need to be considered. How the ROW encroachment issues are addressed by the City will also need to be considered and fully documented.

As an integral element to the NEPA process, the input received during the stakeholder and public outreach will be fully documented and considered during the design phase. This is critical to compliance with NEPA during Phase C of project development. Stakeholder and Public Outreach activities are summarized in Chapter 2.



As stated, the proposed improvements will result in changes within the Richards Avenue corridor that will need to be evaluated and documented as part of the NEPA process and certification element of future project phases. Based on the current knowledge of the proposed improvements, it is expected that a Categorical Exclusion (CE) will be required for environmental clearance under NEPA and in alignment with the T/LPA process for the NMDOT. No fatal flaws have been identified for either of the Build alternatives evaluated in this report. In addition, both alternatives are expected to have similar impacts; therefore, the environmental analysis is not expected to be a delineating factor in the decision-making process. It is fully expected that with the appropriate completion of the CE, environmental clearance would be granted and the project would be eligible for federal funds under NEPA.

Public and Stakeholder Support

To be completed after the public meeting

Estimates of Probable Costs

Exhibit 4-29 summarizes the estimated conceptual costs for the Build alternatives based on today’s dollars. Unit costs from reviews of recent bid tabs and engineering judgment were used. The costs do not include ROW acquisition, utility costs, nor regular maintenance after the initial installation of the major structures crossing the arroyos.

Exhibit 4-29, Estimates of Concept-Level Probable Costs for the Build Alternatives

Item Description	Build Alternative 1	Build Alternative 2
Roadway	\$3,189,440.00	\$3,174,860.00
Arroyo de los Chamisos Bridge	\$3,419,600.00	\$2,321,420.00
Arroyo de los Pinos Bridge	\$1,273,200.00	\$425,235.00
Drainage	\$283,420.00	\$283,420.00
Construction Signing	\$75,000.00	\$75,000.00
Construction Engineering	\$125,000.00	\$125,000.00
Permanent Signing and Striping	\$46,780.00	\$46,780.00
Lighting	\$95,180.00	\$95,180.00
Signalization Modifications	\$50,000.00	\$50,000.00
Landscaping/Aesthetics	\$75,000.00	\$75,000.00
Contingency (15% to 30%)	\$2,432,058.50	\$1,840,848.50
Subtotals	\$11,064,678.50	\$8,512,743.50
Traffic Control Management	\$185,117.08	\$184,718.09
Mobilization (10%)	\$772,347.10	\$622,498.82
Subtotals	\$12,022,142.68	\$9,319,960.40
Construction Augmentation (5%)	\$601,107.13	\$465,998.02
Subtotals	\$12,623,249.82	\$9,785,958.42
NMGRT	\$1,065,086.70	\$825,690.24
Overall Construction Totals	\$13,688,000.00	\$10,612,000.00

The key difference between the alternatives is the estimated cost of major structures and the associated increase in percentage-based items including the contingency, traffic control management, mobilization, construction augmentation, and NMGRT. While the initial cost of the CBCs would be less, it is expected that concrete box culverts, particularly in the Arroyo de los Chamisos, would require more maintenance over time than the concrete-slab bridges. Full reconstruction was assumed for the north segment through La Resolana to update the facilities and to accommodate potential replacement of the water line that was built in the 1960’s. This assumption will be revisited in preliminary and final design to determine if full reconstruction is required.

The project is not funded at this time. Funding will need to be identified and programmed in the SFMPO Transportation Improvement Plan (TIP) and the NMDOT State Transportation Improvement Plan (STIP). Federal and/or State funding is anticipated to be needed for this project. Depending on available funding, the proposed improvements may be implemented in phases as discussed in Chapter 5. The estimates of probable costs will be refined as part of the preliminary and final design phases.

Selection of a Preferred Alternative

The three alternatives considered in this Phase B study include the No Build Alternative and two Build alternatives. The No Build Alternative does not meet the purpose and need for the project, therefore is eliminated from further consideration. The two Build alternatives both meet the project purpose and need and have many similarities including one travel lane in each direction, intersection improvements, drainage system features, lighting locations, environmental conditions, pedestrian and bicycle multi-modal facilities, the connection across the undeveloped land, and right-of-way needs. The comparison to identify a preferred alternative focuses on the differences between the alternatives which primarily involve the following:

- ◆ On-street Parking versus a Median in the North Segment
 - Build Alternative 1: on-street parking provided along west side of street next to the curb with a bike lane between parking and the travel lanes
 - Build Alternative 2: median provided with no dedicated space for on-street parking; on-street parking would utilize the bike lane
 - Preferred: will be based on public input
- ◆ Bridge vs CBC crossing the ADLC
 - Build Alternative 1: concrete-slab bridge leaves natural arroyo bottom, two piers in the arroyo, and costs \$3.5M
 - Build Alternative 2: multi-barrel CBC has concrete and riprap arroyo bottom, multiple vertical CBC walls that require more maintenance due to catching debris, and cost \$2.4M
 - Preferred: The initial cost of the Concrete-slab bridge is higher, but a bridge will be better for high flows in the arroyo and would require less maintenance over its design life
- ◆ Bridge vs CBC crossing the ADLP
 - Build Alternative 1: concrete-slab bridge leaves natural arroyo bottom, no piers in the arroyo, and costs \$1.3M
 - Build Alternative 2: single-barrel CBC, properly sized for design flows, and costs \$500k
 - Preferred: Single-barrel CBC is a better fit for the roadway alignment and topography
- ◆ Public and Stakeholder input
 - Build Alternative 1: summarize input
 - Build Alternative 2: summarize input
 - Preferred: overall what is preferred?



CHAPTER 5 – PREFERRED ALTERNATIVE AND PHASING PLAN

This chapter provides a summary of the preferred alternative for improvements to Richards Avenue, and identifies the recommended alternatives proposed for advancement to Phase IC and ID of the project. A potential priority phasing plan is suggested which will facilitate project programming by the City and SFMPO in the Transportation Improvement Program (TIP). The proposed improvements will require a substantial capital investment, as well as right-of-way acquisition, and may be implemented in phases depending on funding availability.

Description of Preferred Alternative

The preferred Build Alternative to advance to Phase IC and Phase ID incorporates features from both Phase B build alternatives. The proposed typical sections including refinements are shown in Exhibit 5-1.

To be determined based on public input and discussions with the City

- ◆ Finalize lane width
- ◆ Which option through La Resolana
- ◆ Bridges or CBCs or combination
- ◆ Intersection improvements at Rodeo Road and at Cerrillos Road and at Siringo Road

Potential Priority Phasing Plan

The proposed improvements could be constructed as one project or in multiple projects depending on funding availability. A multi-phased potential priority phasing plan is presented below that implements the improvements considering the various unique segments of Richards Avenue within the project limits. While three phases are shown, the construction phasing can be refined as available funding and needs dictate.

The planning-level costs shown for each phase reflect estimated construction costs based on 2022 dollars including New Mexico gross receipts tax, but do not include final design/production and right-of-way costs. Note that construction costs developed for the study phase will change considering refinements to the design approach and/or value-added considerations as preliminary and final design efforts are completed. Each phase is described below:

Phase 1: North Segment - Improvements through the La Resolana Subdivision to Cerrillos Road (0.29 miles)

The north segment includes Richards Avenue from Siringo Road to Cerrillos Road, including improvements to the Cerrillos Road intersection to get bike lanes and intersection lanes incorporated. Westbound Siringo Road may need to be widened to provide separate left-turn and right-turn lanes. Improvements within the north segment of the corridor are first so that traffic is calmed through the residential area once the new roadway extension to the south is opened up to traffic. Also, traffic volumes during construction will be lower without the proposed extension. Right-of-way acquisition is expected to be required to implement improvements to the Cerrillos Road intersection.

Phase 2: Middle Segment - Extension from Camino del Prado to La Resolana (0.28 miles)

The middle segment connects Richards Avenue across the undeveloped land and includes Richards Avenue from Camino del Prado to Siringo Road. Right-of-way acquisition will be required for this phase. This is the highest cost segment for transportation improvements and right-of-way acquisition. This phase could be constructed with little to no maintenance of traffic and access (MOTA) during construction, which would reduce the construction duration. The Arroyo de los Chamisos multi-use trail would need to be kept open. As the second phase, the City will have time to identify and secure funding sources and to acquire the right-of-way needed for this segment.

Phase 3: South Segment - Rodeo Road to Camino del Prado (0.17 miles)

The south segment includes Richards Avenue from Rodeo Road to Camino del Prado, including improvements to the Rodeo Road intersection. Right-of-way impacts are expected and may involve acquisitions and/or TCPs. It is expected that traffic will be maintained in both directions of Richards Avenue during construction.

Utility Work

Utility relocations and/or reconstruction are expected to be needed with the implementation of the proposed improvements. Utility work in the north segment would be performed during construction of the roadway improvements because they involve adjustments to grade and possible replacement of a water line which would be constructed when the road is being reconstructed. Utility work in the middle and south segments could be performed prior to construction with the exception of existing manholes that would be adjusted to grade.

T/LPA Project

As a T/LPA project, close coordination with the NMDOT regarding the required certifications and associated schedules may also influence the phasing plan for the proposed improvements. Project phases will need to be fully funded in the SFMPO TIP and State TIP (STIP) to finalize construction plans and to be let for construction.

Environmental Clearance Level of Effort

During Phase IC and concurrent with preliminary and final design, an environmental clearance document evaluating the preferred alternative and its impact on the human and natural environment will be prepared. Based on a review of potential impacts to the human and natural environment during Phase IA/B and input from agencies to date, it is anticipated that the appropriate level of effort for environmental clearance and NEPA compliance will be a Categorical Exclusion (CE) document. The proposed action is expected to obtain approval for the entire corridor including the potential for implementing the project in multiple phases.

Exhibit 5-1, Proposed Typical Sections for the Preferred Alternative

To be determined based on public input and discussions with the City



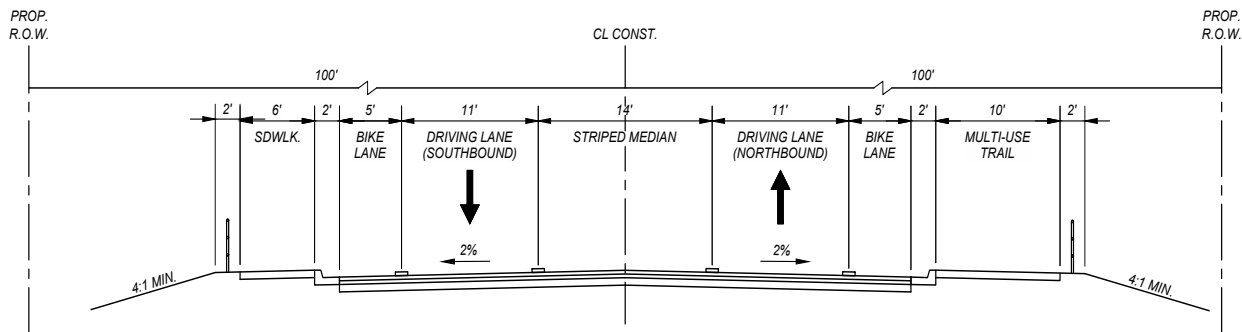
APPENDICES

- APPENDIX A BUILD ALTERNATIVE 1 CONCEPTUAL DESIGN PLANS**
- APPENDIX B BUILD ALTERNATIVE 2 CONCEPTUAL DESIGN PLANS**
- APPENDIX C CONCEPTUAL CONSTRUCTION COST ESTIMATES**

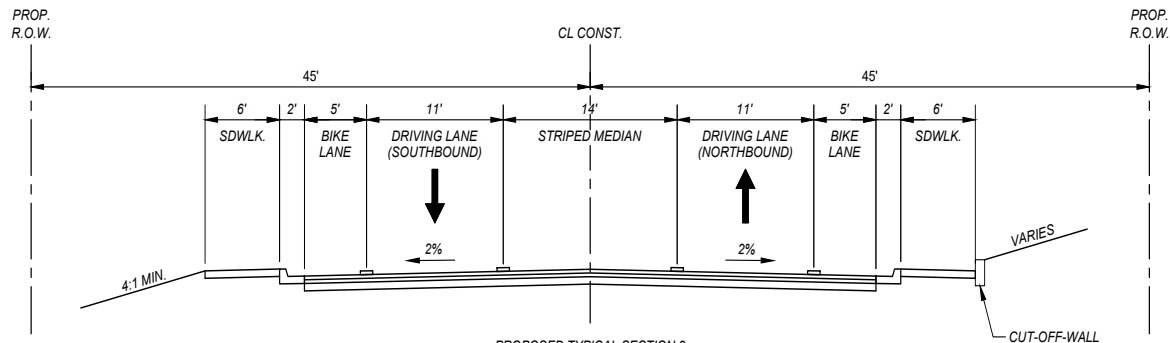


APPENDIX A

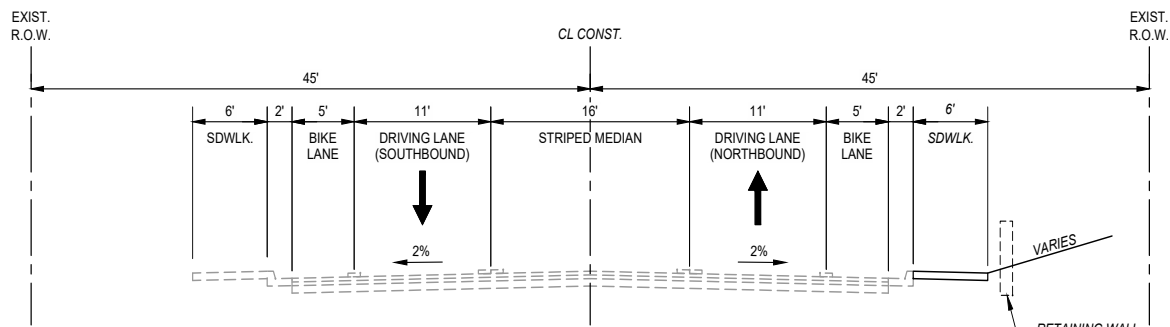
BUILD ALTERNATIVE 1 CONCEPTUAL DESIGN PLANS



PROPOSED TYPICAL SECTION 3
 FIRE STATION ROAD TO BRIDGE
 BRIDGE TO TURNOUT_01
 STA. 23+86.73 TO STA. 24+90.00
 STA. 26+30.00 TO STA. 36+10.00



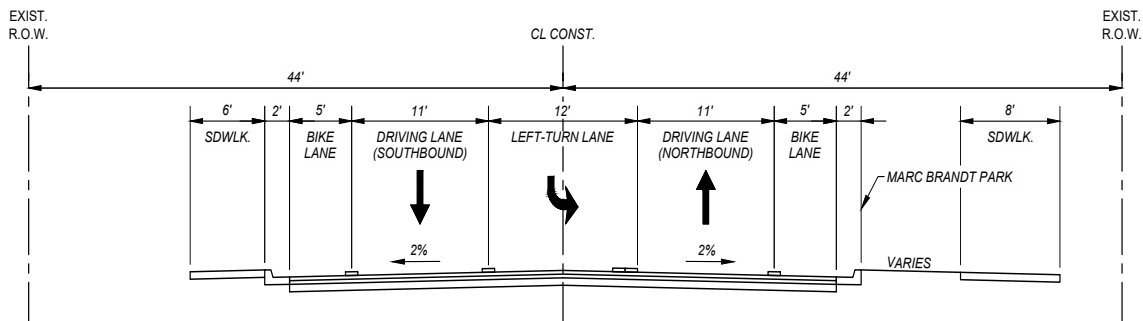
PROPOSED TYPICAL SECTION 2
 CAM DEL PRADO TO FIRE STATION ROAD
 STA. 22+00.00 TO STA. 23+86.73



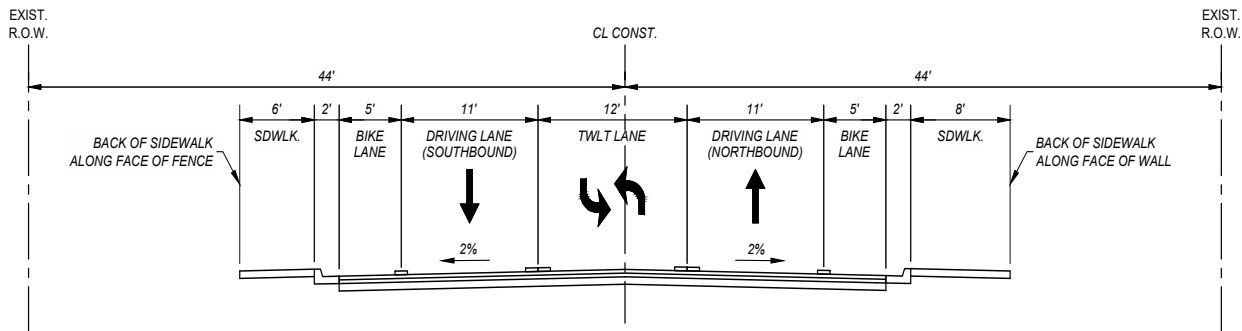
PROPOSED TYPICAL SECTION 1
 RODEO GROUNDS ENTRANCE TO CAM DEL PRADO
 STA. 13+07.51 TO STA. 22+00.00

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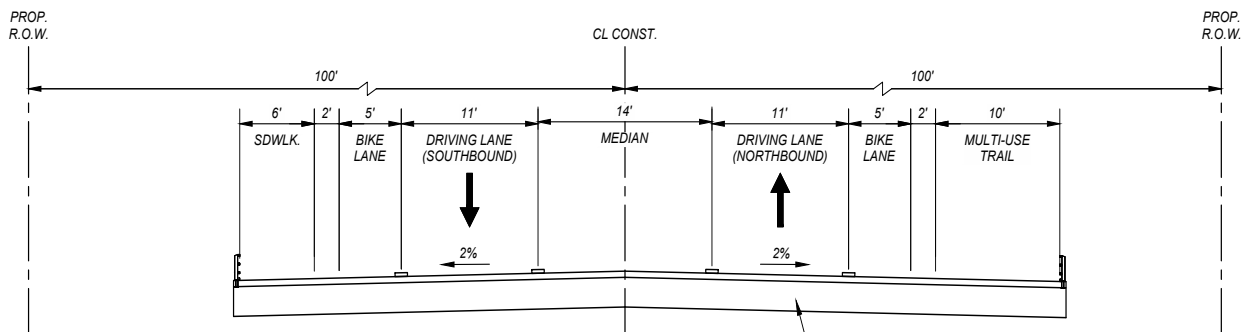
ARROYO DE LOS CHAMISOS
 PROPOSED TYPICAL SECTION FOR BUILD
 ALTERNATIVE 1



PROPOSED TYPICAL SECTION 6
SIRINGO ROAD EASTBOUND TO SIRINGO ROAD WESTBOUND
STA. 38+58.94 TO STA. 39+62.42



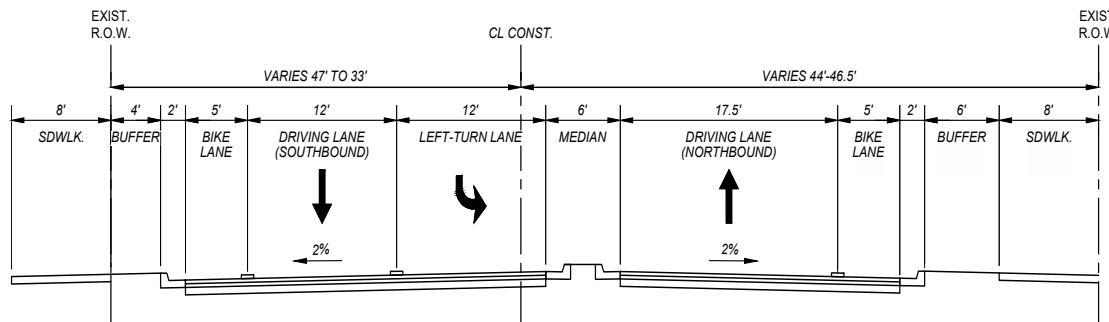
PROPOSED TYPICAL SECTION 5
TURNOUT_01 TO SIRINGO ROAD EASTBOUND
STA. 36+10.00 TO 38+58.94



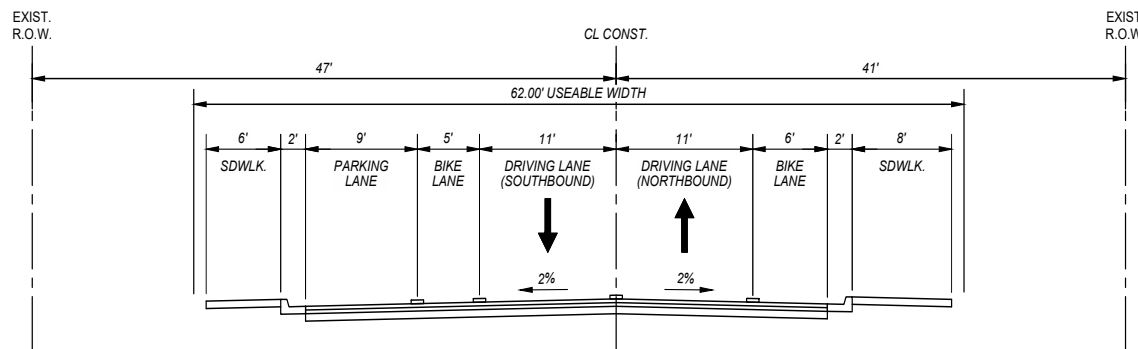
PROPOSED TYPICAL SECTION 4
BRIDGE OVER ARROYO DE LOS CHAMISOS
STA. 24+90.00 TO STA. 26+30.00

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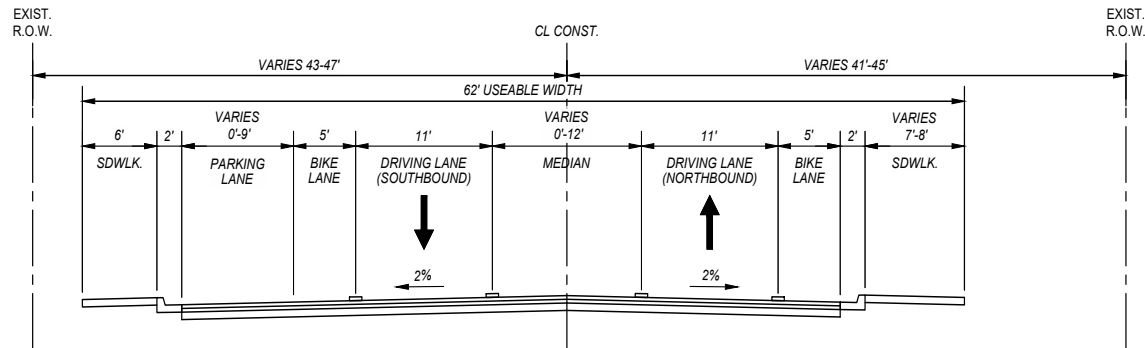
ARROYO DE LOS CHAMISOS
PROPOSED TYPICAL SECTION FOR BUILD
ALTERNATIVE 1



PROPOSED TYPICAL SECTION 9
 WALGREENS ENTRANCE TO SHOPPING CENTER ENTRANCE
 STA. 48+96.17 TO STA. 51+08.82



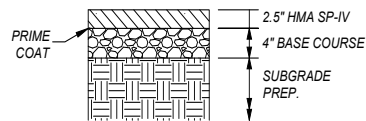
PROPOSED TYPICAL SECTION 8
 LOURAINNE CIRCLE TO LOURAINNE STREET
 STA. 41+98.64 TO STA. 44+97.23



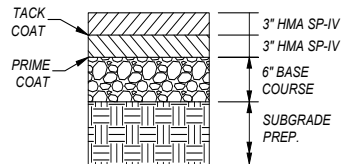
PROPOSED TYPICAL SECTION 7
 SIRINGO ROAD WESTBOUND TO LOURAINNE CIRCLE
 LOURAINNE STREET TO JAMES STREET
 STA. 39+62.42 TO STA. 41+98.64
 STA. 44+97.23 TO STA. 47+37.23

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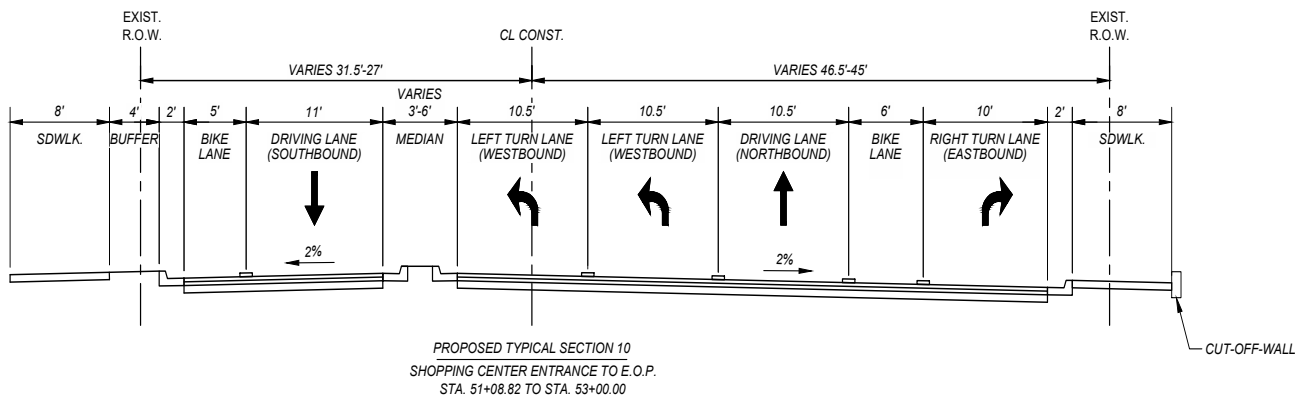
ARROYO DE LOS CHAMISOS
 PROPOSED TYPICAL SECTION FOR BUILD
 ALTERNATIVE 1



PROPOSED PAVEMENT SECTION NO. 2
MULTI-USE TRAIL



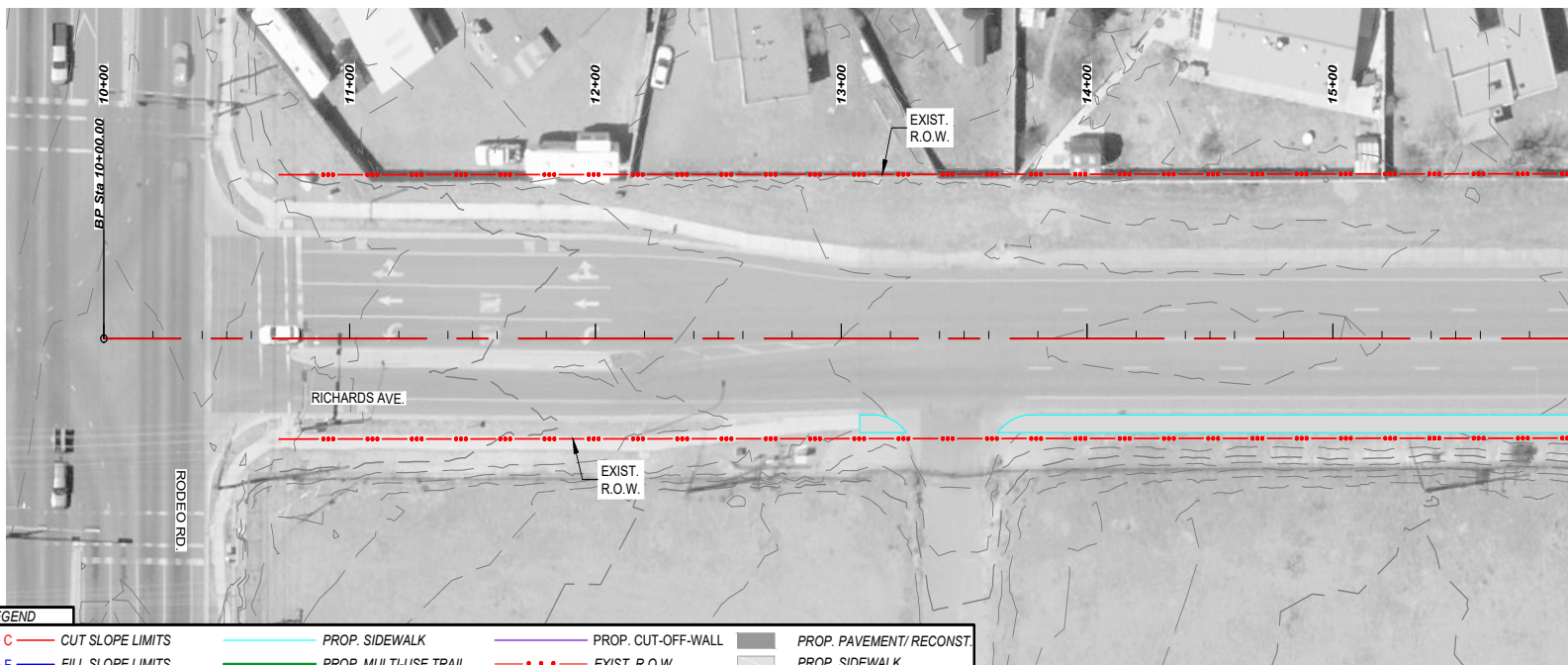
PROPOSED PAVEMENT SECTION NO. 1
RICHARDS AVENUE



PROPOSED TYPICAL SECTION 10
SHOPPING CENTER ENTRANCE TO E.O.P.
STA. 51+08.82 TO STA. 53+00.00

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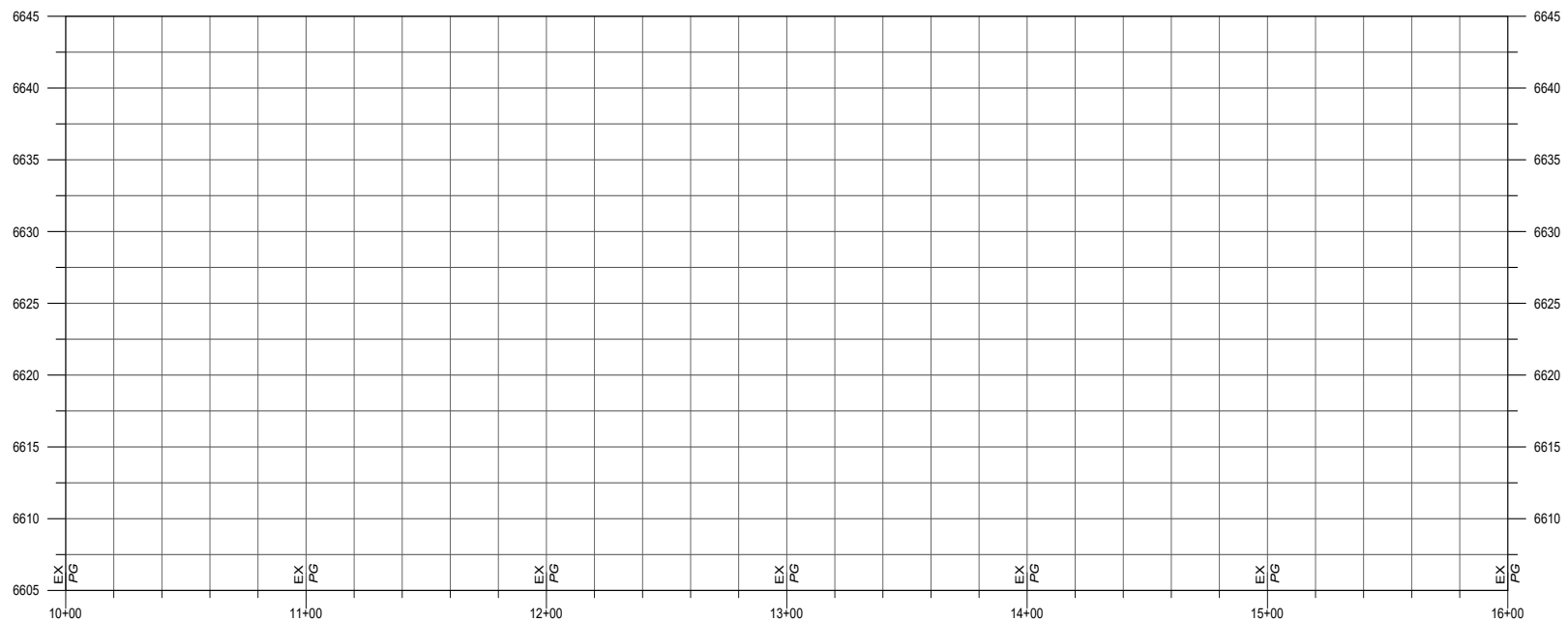
ARROYO DE LOS CHAMISOS
PROPOSED TYPICAL SECTION AND DETAILS FOR
BUILD ALTERNATIVE 1



LEGEND			
--- C	--- PROP. SIDEWALK	--- PROP. CUT-OFF-WALL	PROP. PAVEMENT/ RECONST.
--- F	--- PROP. MULTI-USE TRAIL	-.-.- EXIST. R.O.W.	PROP. SIDEWALK
--- PROP. CURB & GUTTER	--- PROP. RETAINING WALL	--- PROP. R.O.W.	PROP. MEDIAN PAVEMENT

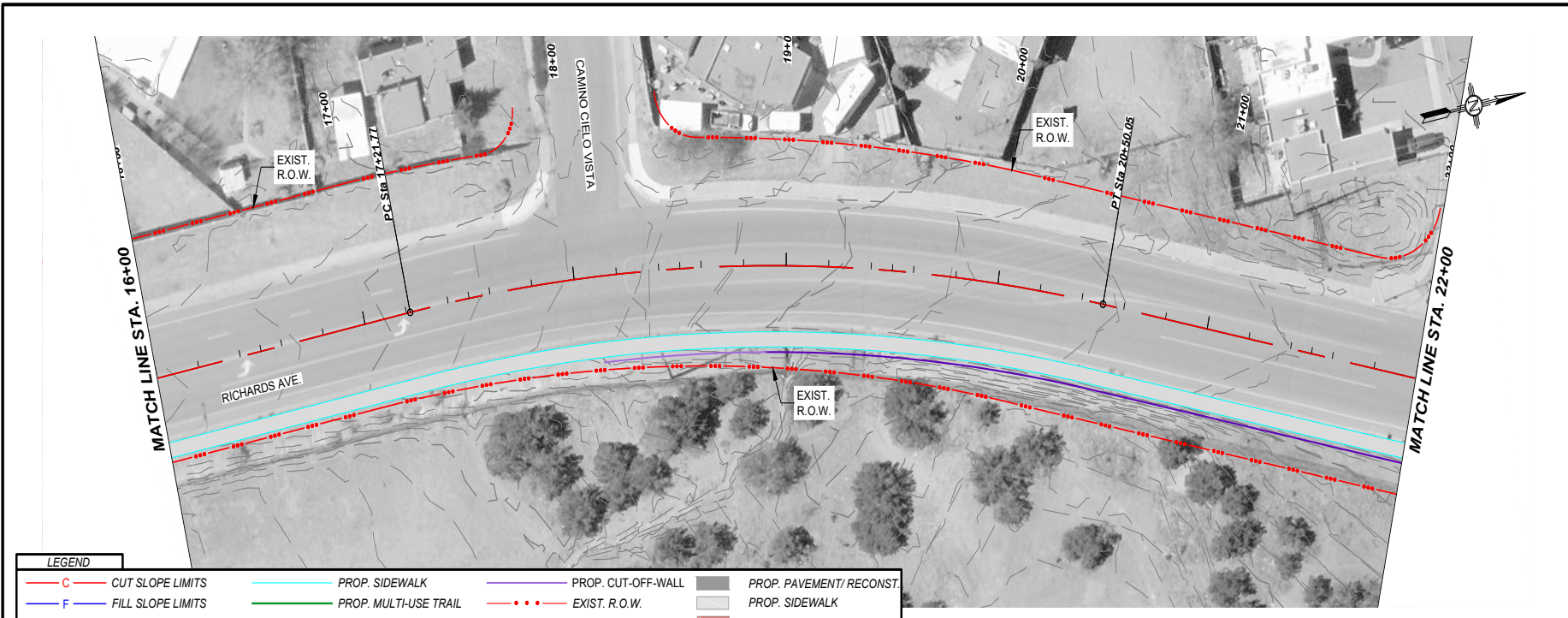
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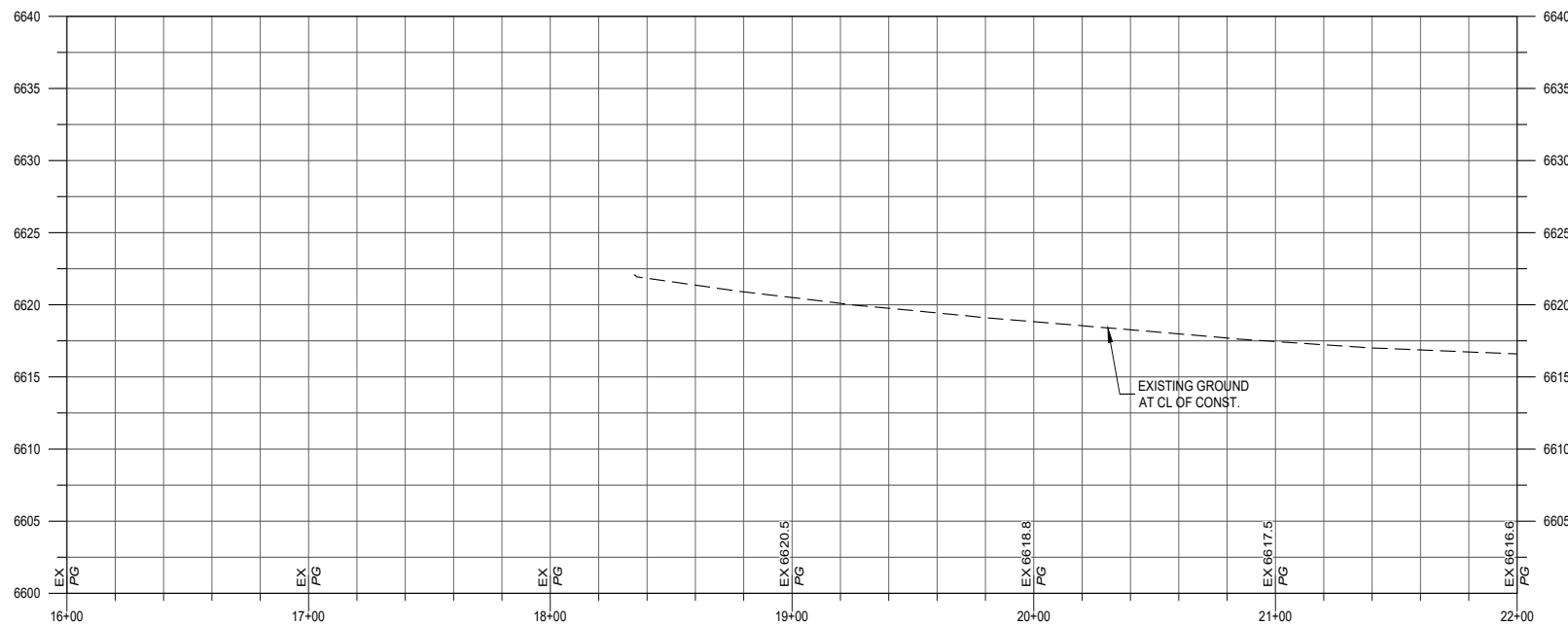
ARROYO DE LOS CHAMISOS
ROADWAY PLAN AND PROFILE FOR
BUILD ALTERNATIVE 1



LEGEND			
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— F —	—	- - -	 PROP. SIDEWALK
—	—	- - -	 PROP. MEDIAN PAVEMENT
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FILL SLOPE LIMITS	PROP. MULTI-USE TRAIL	EXIST. R.O.W.	PROP. R.O.W.
PROP. CURB & GUTTER	PROP. RETAINING WALL	PROP. R.O.W.	

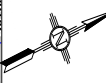
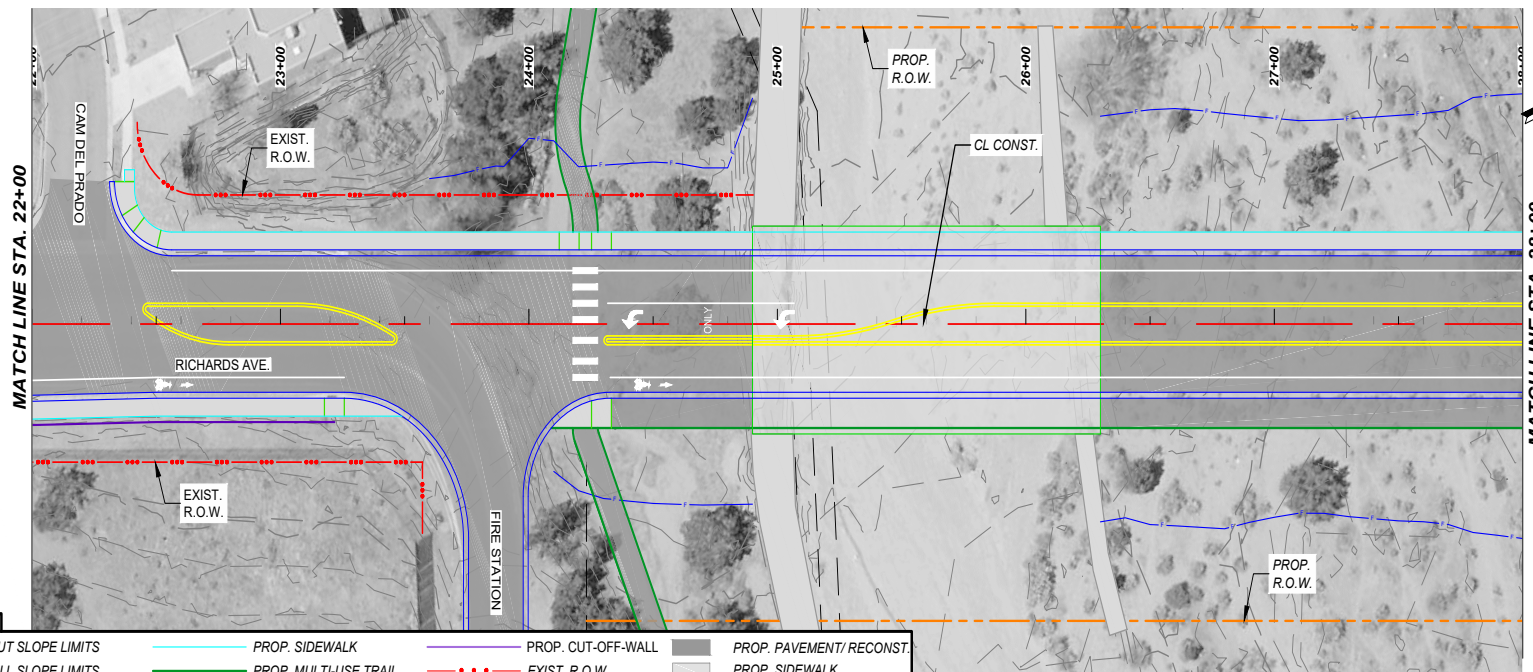
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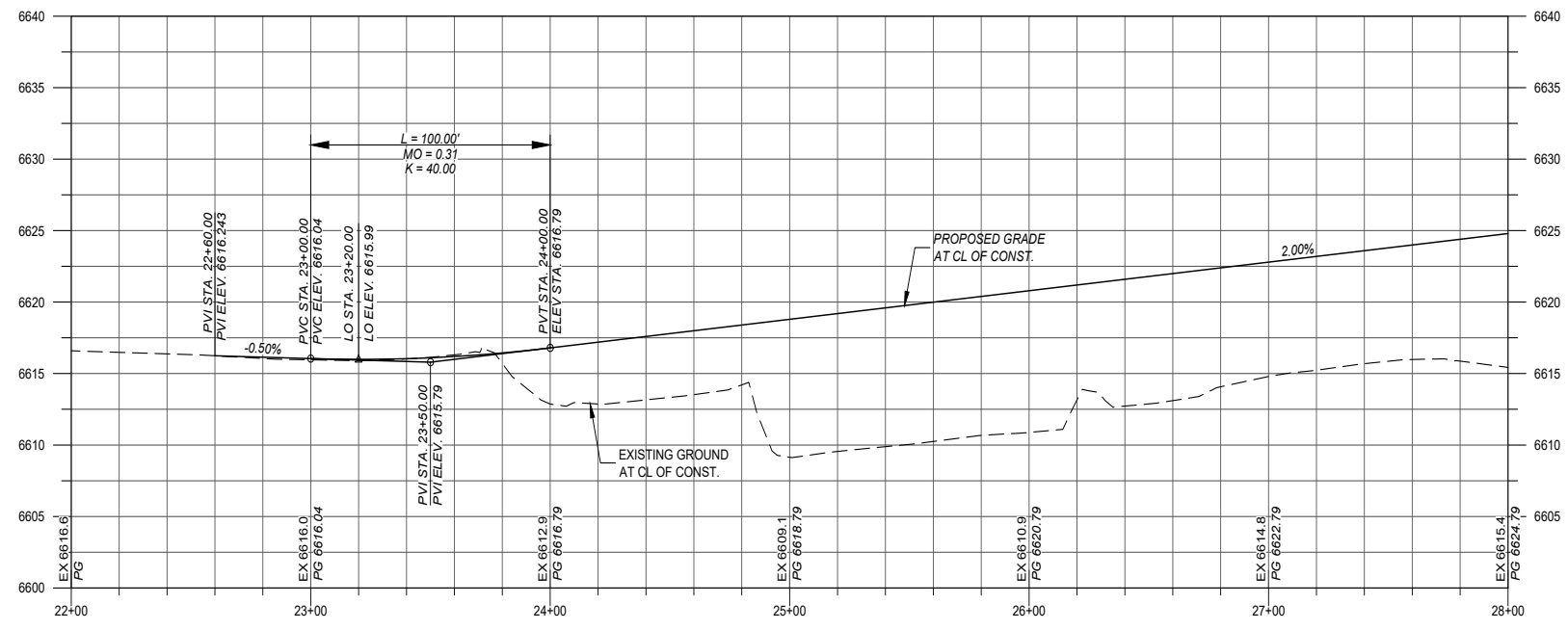
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ARROYO DE LOS CHAMISOS
 ROADWAY PLAN AND PROFILE FOR
 BUILD ALTERNATIVE 1



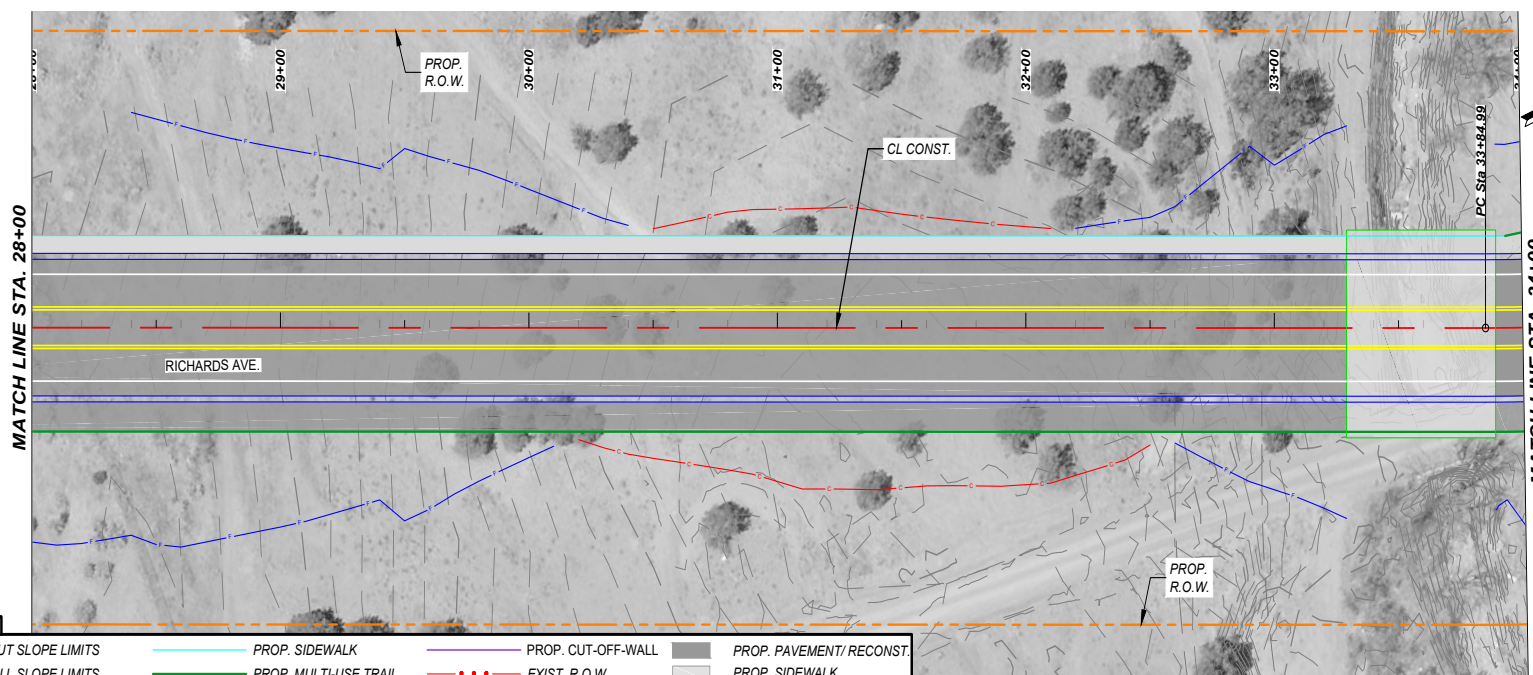
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--- F	--- PROP. MULTI-USE TRAIL	- - - EXIST. R.O.W.	 PROP. SIDEWALK
--- PROP. CURB & GUTTER	--- PROP. RETAINING WALL	--- PROP. R.O.W.	 PROP. MEDIAN PAVEMENT

PLAN DRAWING SCALE: 1" = 50'
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ARROYO DE LOS CHAMISOS
 ROADWAY PLAN AND PROFILE FOR
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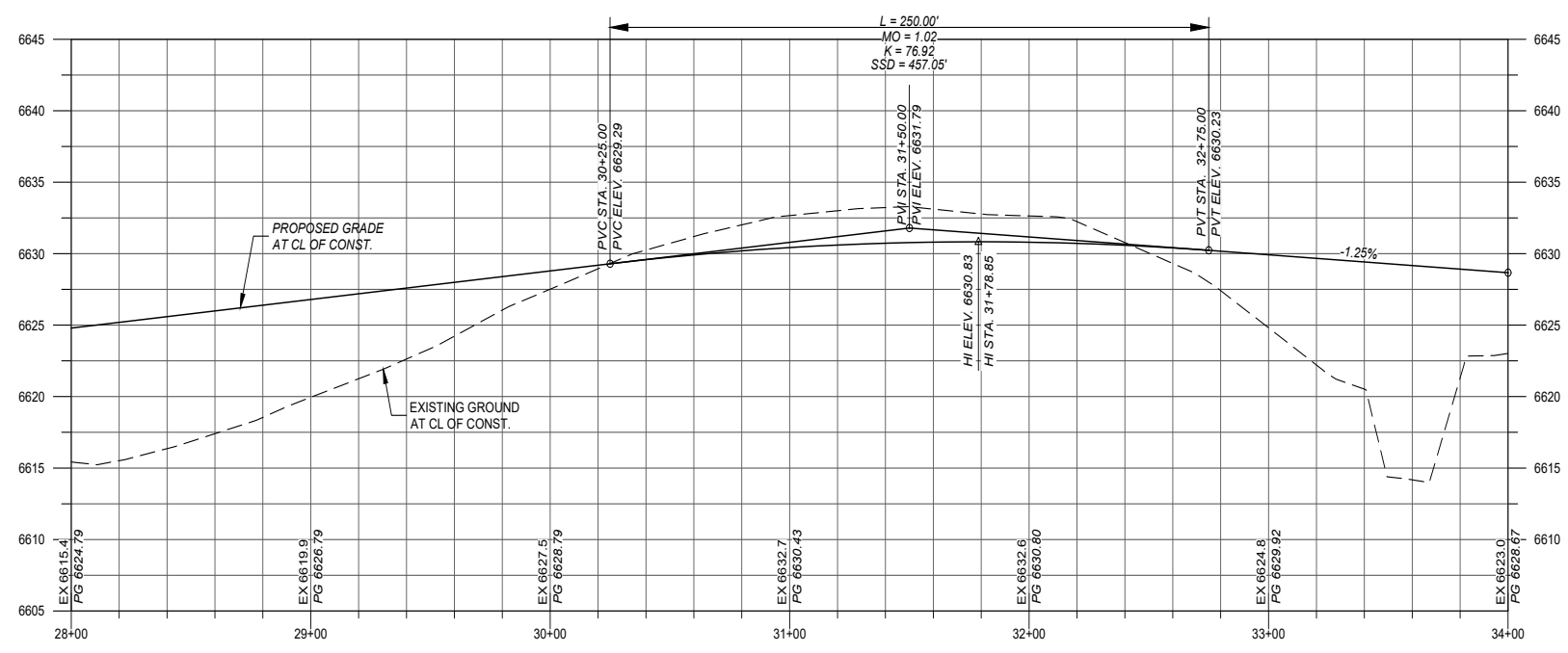


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PROP. CURB & GUTTER	PROP. RETAINING WALL	PROP. R.O.W.	PROP. MEDIAN PAVEMENT	

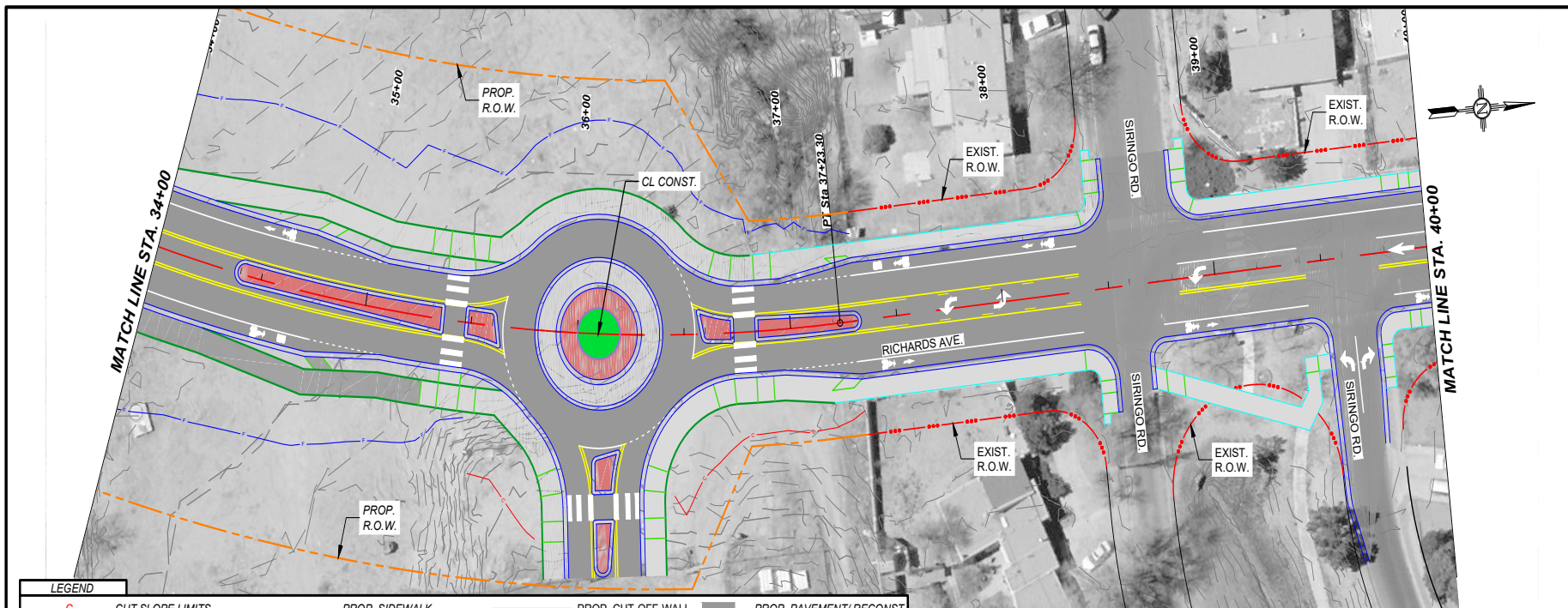
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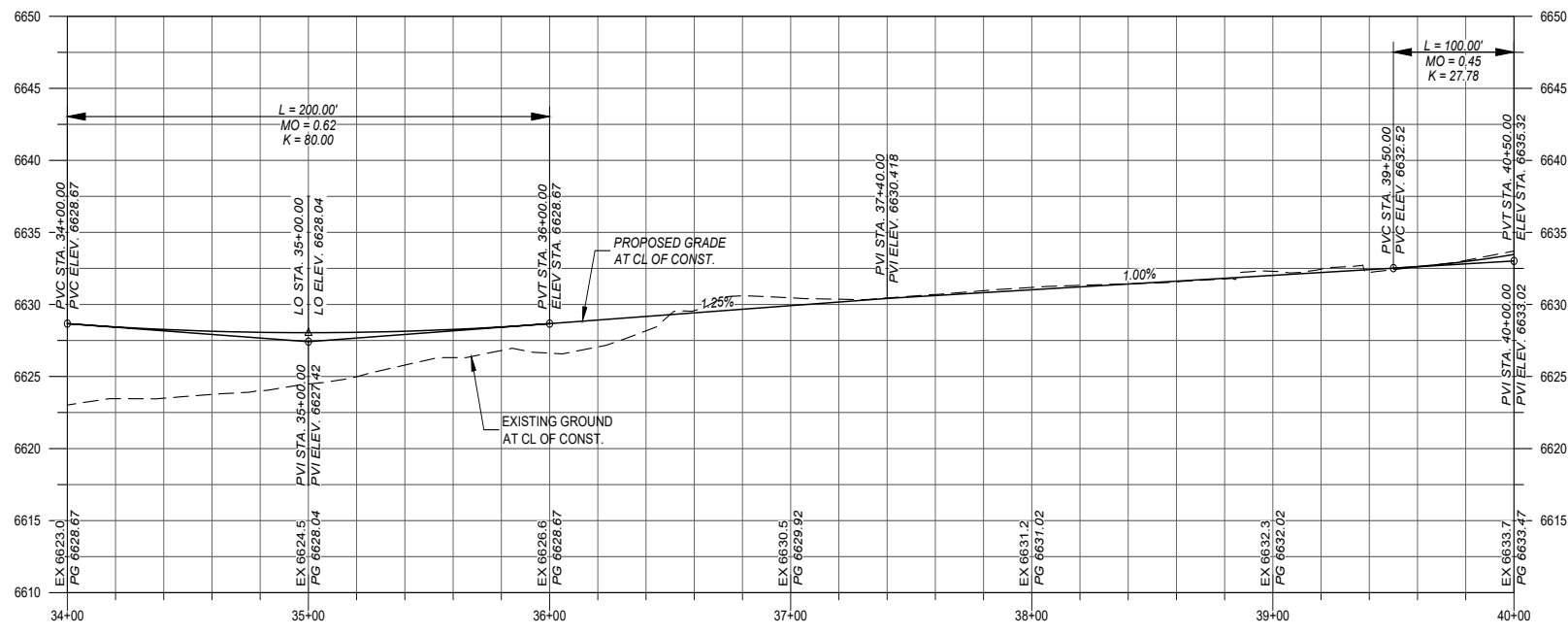
ARROYO DE LOS CHAMISOS
ROADWAY PLAN AND PROFILE FOR
BUILD ALTERNATIVE 1



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—	PROP. CUT-OFF-WALL	- - -	EXIST. R.O.W.
 	PROP. PAVEMENT/ RECONST.	 	PROP. SIDEWALK
 	PROP. MEDIAN PAVEMENT	 	PROP. R.O.W.

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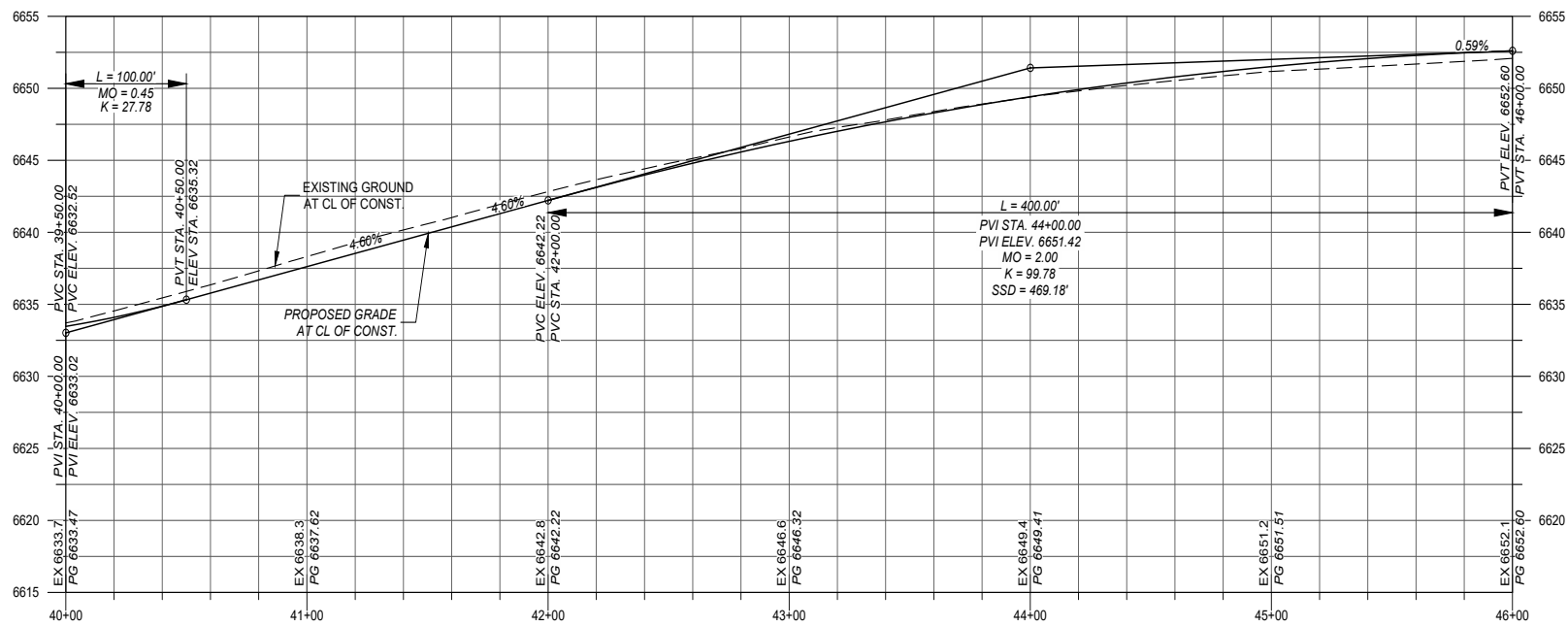
ARROYO DE LOS CHAMISOS
ROADWAY PLAN AND PROFILE FOR
BUILD ALTERNATIVE 1



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	EXIST. R.O.W.		PROP. R.O.W.
	PROP. PAVEMENT/ RECONST.		PROP. MEDIAN PAVEMENT
	PROP. CUT-OFF-WALL		PROP. SIDEWALK

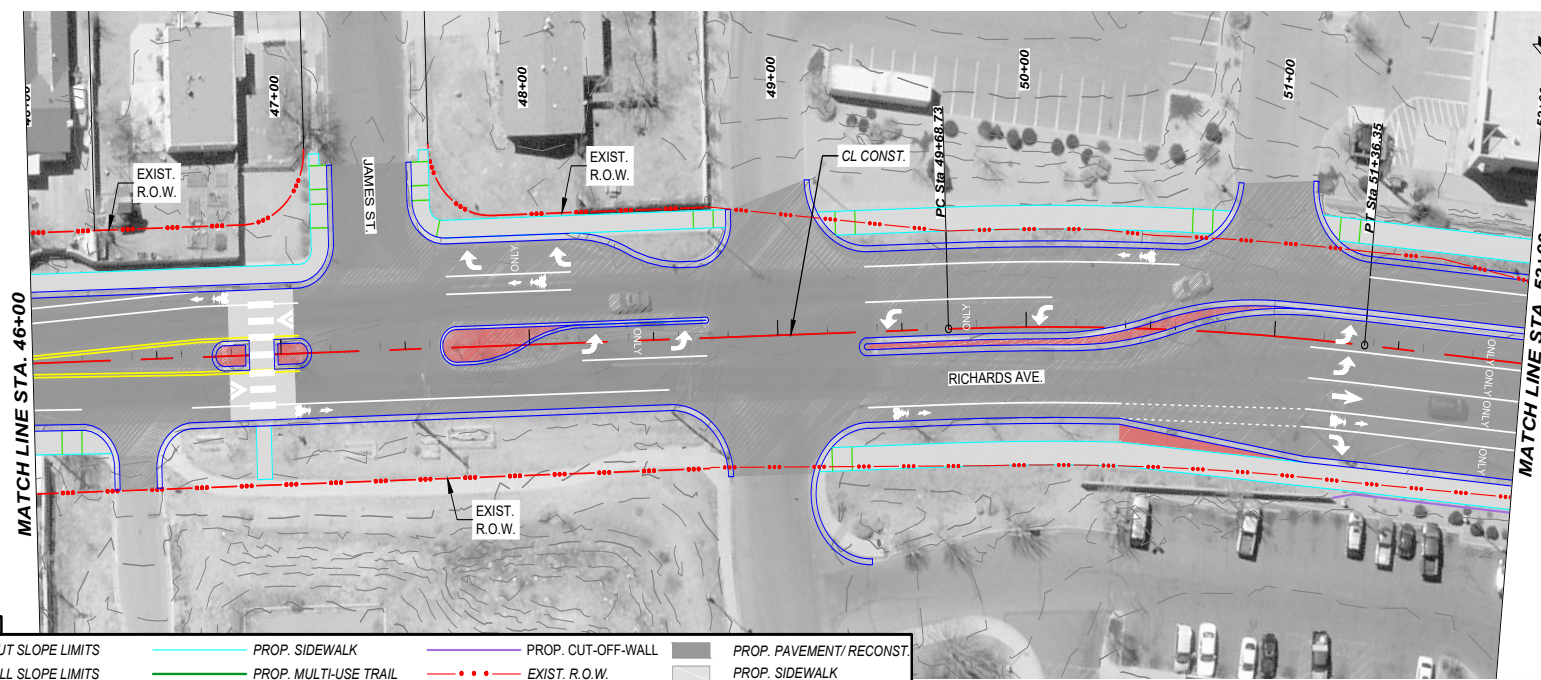
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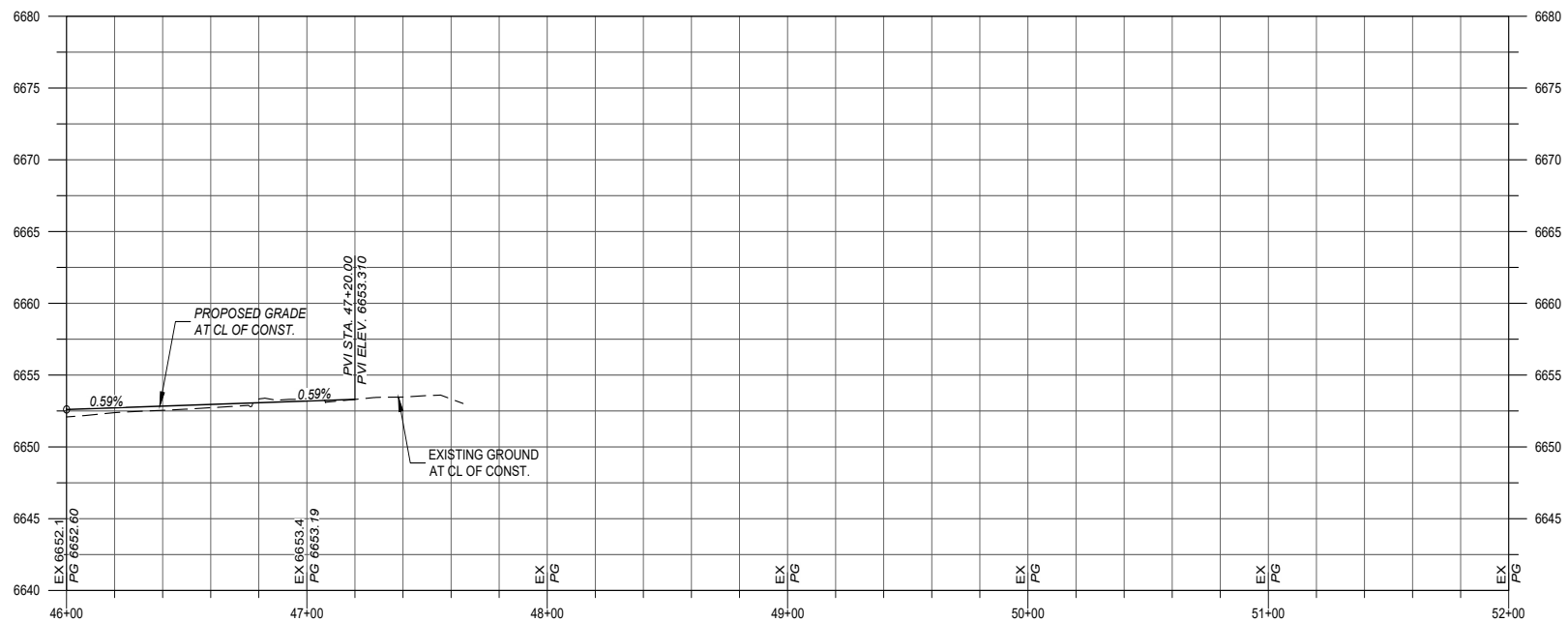
ARROYO DE LOS CHAMISOS
ROADWAY PLAN AND PROFILE FOR
BUILD ALTERNATIVE 1



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— F	— PROP. MULTI-USE TRAIL	- - - EXIST. R.O.W.	 PROP. SIDEWALK
— PROP. CURB & GUTTER	— PROP. RETAINING WALL	- - - PROP. R.O.W.	 PROP. MEDIAN PAVEMENT

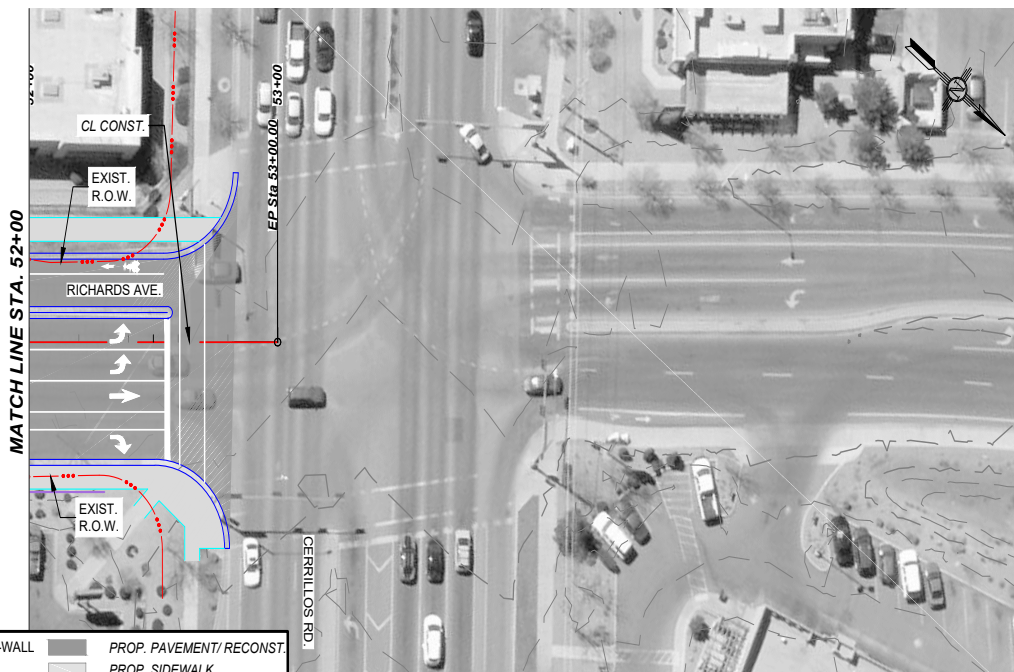
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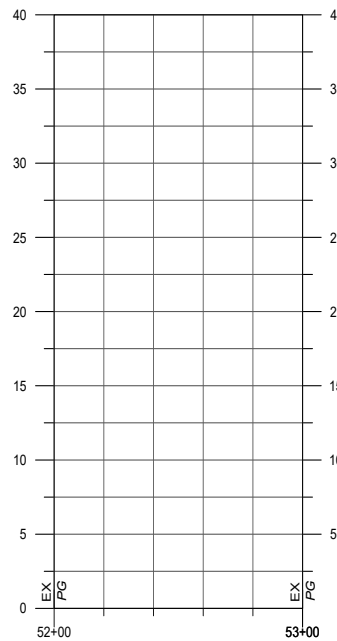
ARROYO DE LOS CHAMISOS ROADWAY PLAN AND PROFILE FOR BUILD ALTERNATIVE 1



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— F	FILL SLOPE LIMITS	—	PROP. MULTI-USE TRAIL
—	PROP. CURB & GUTTER	—	PROP. RETAINING WALL
—	PROP. CUT-OFF-WALL	- - -	EXIST. R.O.W.
	PROP. PAVEMENT/ RECONST.	- - -	PROP. R.O.W.
	PROP. SIDEWALK		PROP. MEDIAN PAVEMENT

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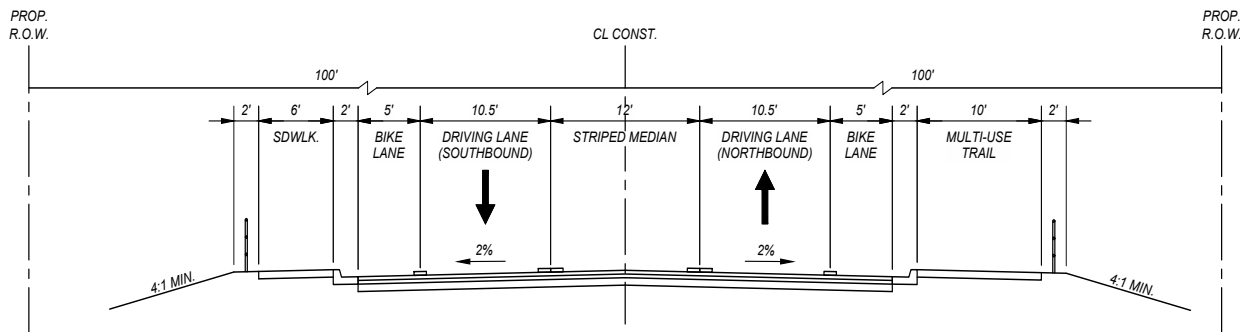
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ARROYO DE LOS CHAMISOS
ROADWAY PLAN AND PROFILE FOR
BUILD ALTERNATIVE 1

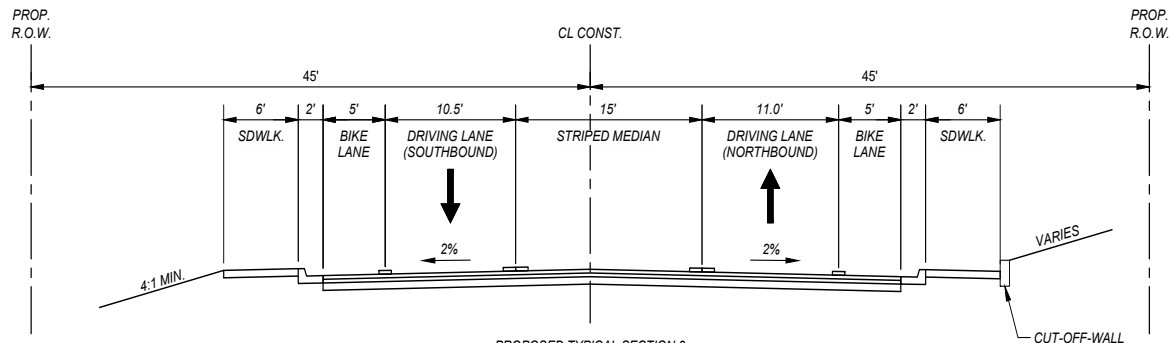


APPENDIX B

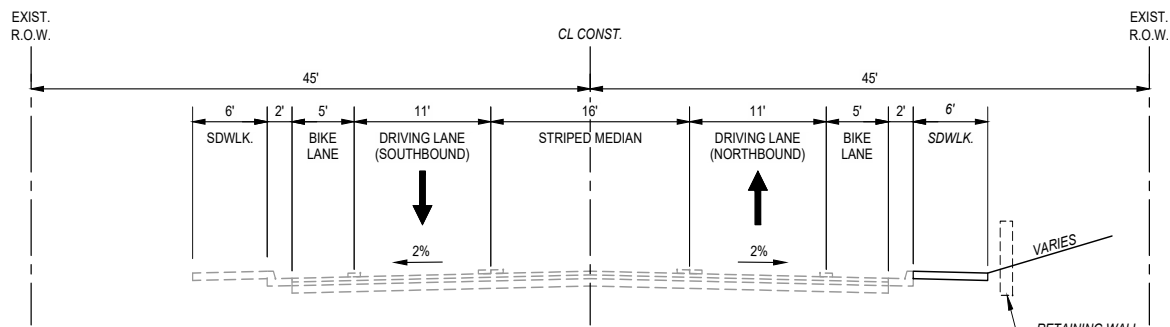
BUILD ALTERNATIVE 2 CONCEPTUAL DESIGN PLANS



PROPOSED TYPICAL SECTION 3
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 BRIDGE TO TURNOUT_01
 STA. 23+86.73 TO STA. 24+90.00
 STA. 26+30.00 TO STA. 36+10.00



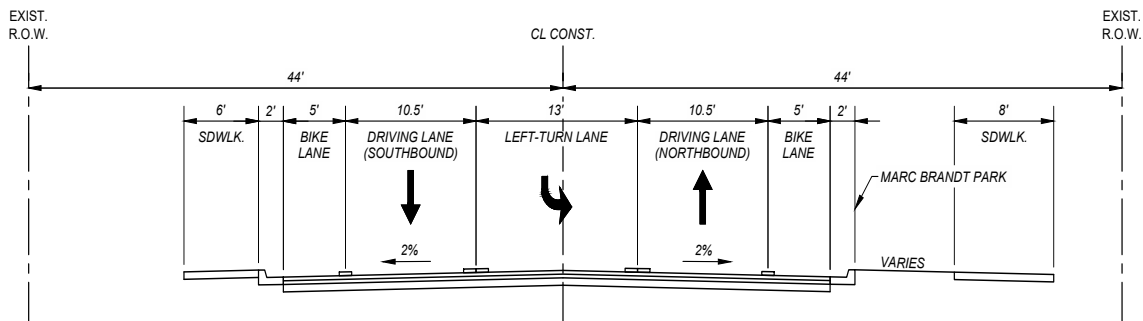
PROPOSED TYPICAL SECTION 2
 CAM DEL PRADO TO FIRE STATION ROAD
 STA. 22+00.00 TO STA. 23+86.73



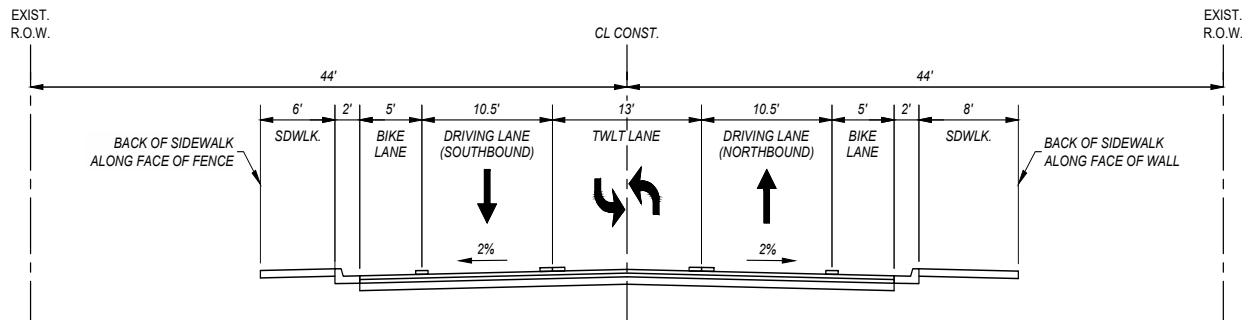
PROPOSED TYPICAL SECTION 1
 RODEO GROUNDS ENTRANCE TO CAM DEL PRADO
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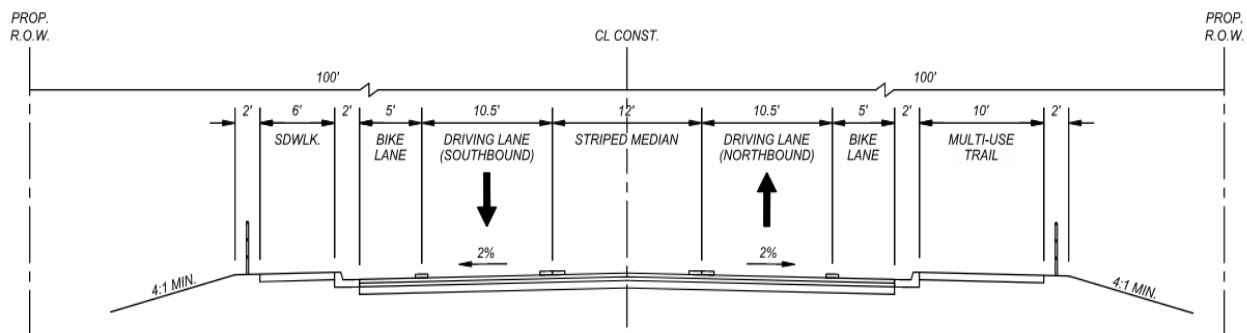
ARROYO DE LOS CHAMISOS
 PROPOSED TYPICAL SECTION FOR BUILD
 ALTERNATIVE 2



PROPOSED TYPICAL SECTION 6
SIRINGO ROAD EASTBOUND TO SIRINGO ROAD WESTBOUND
STA. 38+58.94 TO STA. 39+62.42



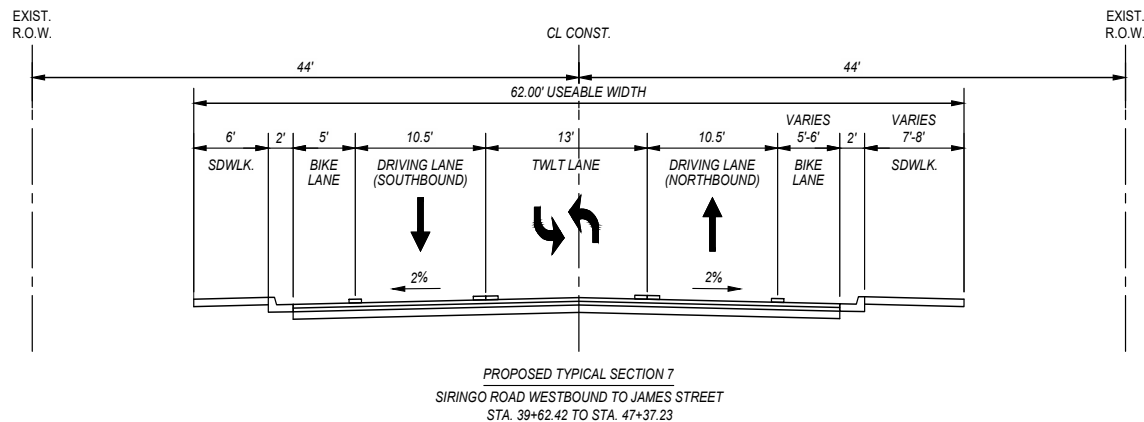
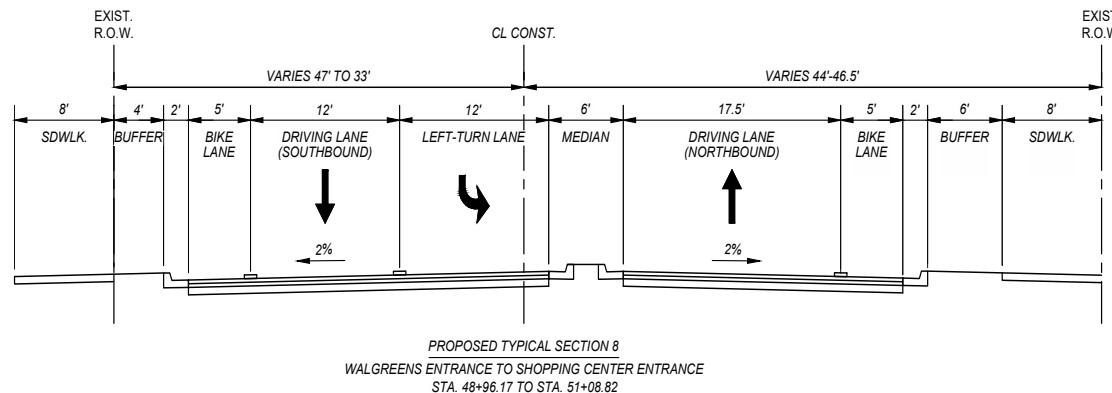
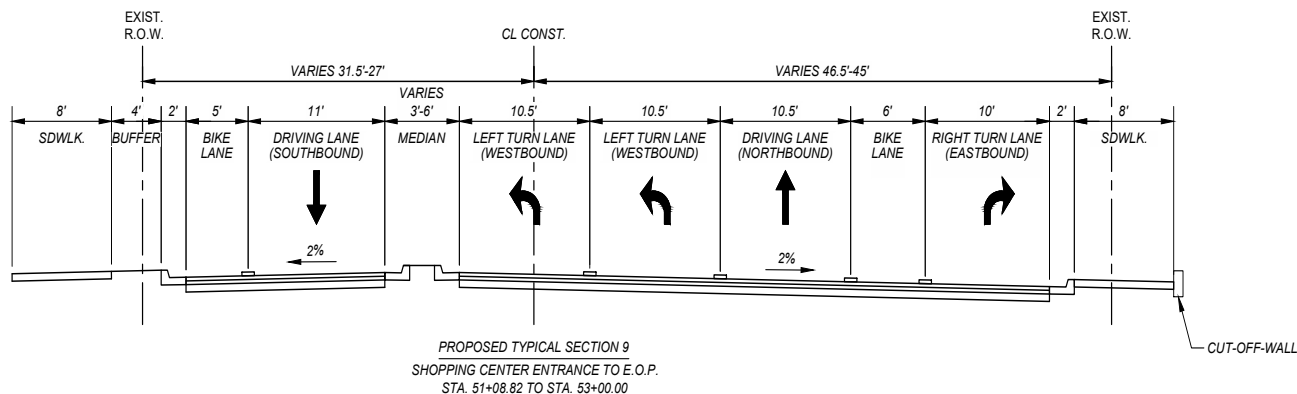
PROPOSED TYPICAL SECTION 5
TURNOUT_01 TO SIRINGO ROAD
STA. 36+10.00 TO 38+58.94



PROPOSED TYPICAL SECTION 4
BRIDGE OVER ARROYO DE LOS CHAMISOS
STA. 24+90.00 TO STA. 26+30.00
MULTI-BARREL CONCRETE BOX CULVERT

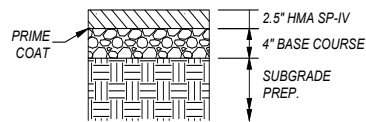
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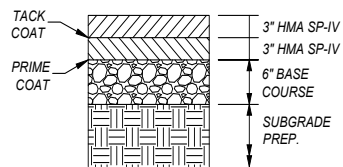


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ARROYO DE LOS CHAMISOS
PROPOSED TYPICAL SECTION FOR BUILD
ALTERNATIVE 2



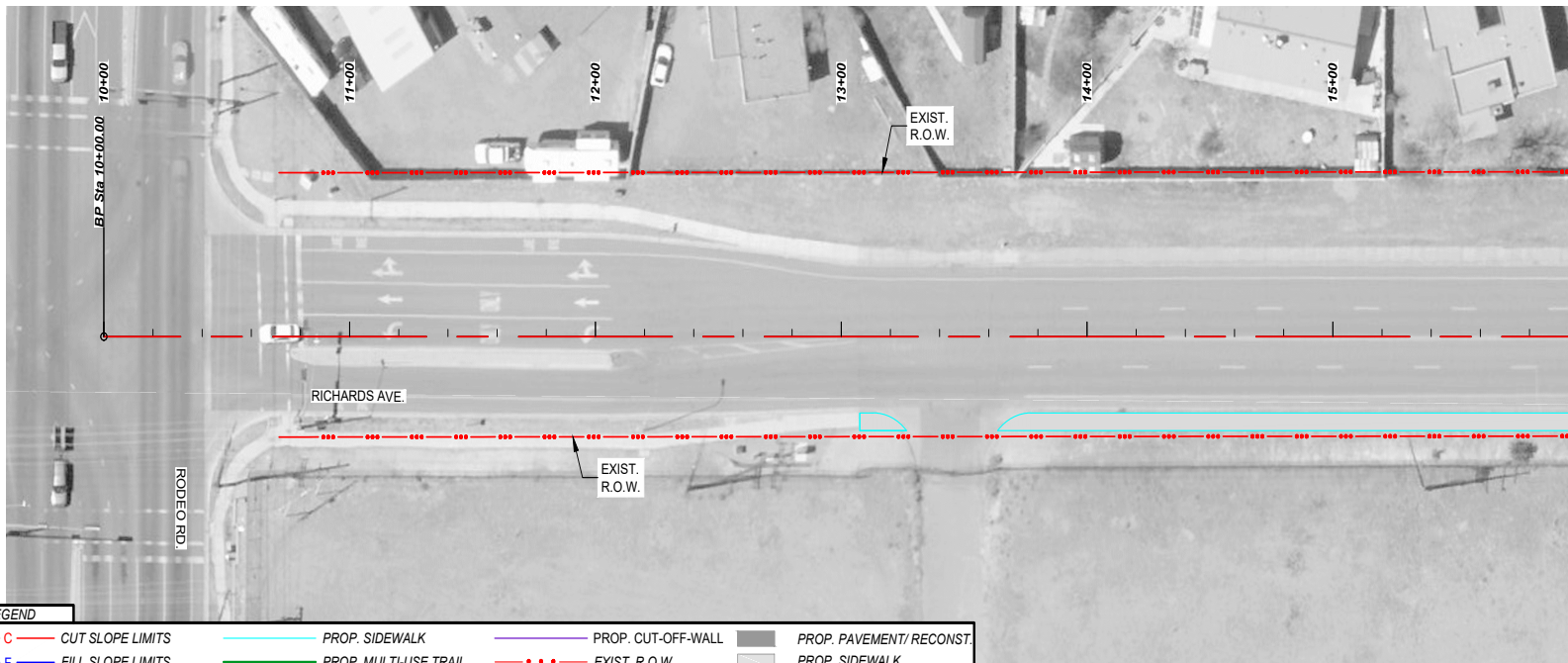
PROPOSED PAVEMENT SECTION NO. 2
MULTI-USE TRAIL



PROPOSED PAVEMENT SECTION NO. 1
RICHARDS AVENUE

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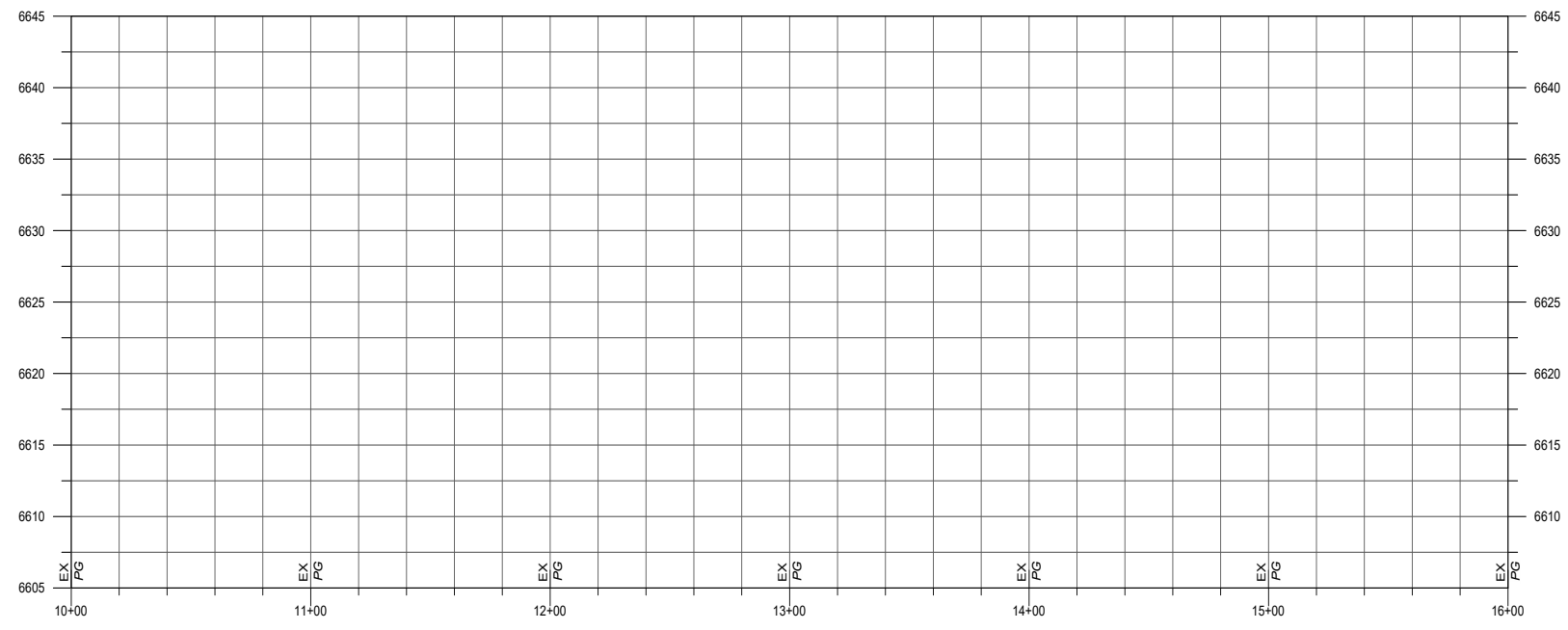
ARROYO DE LOS CHAMISOS
PROPOSED TYPICAL SECTION DETAILS FOR
BUILD ALTERNATIVE 2



LEGEND			
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	FILL SLOPE LIMITS		PROP. MULTI-USE TRAIL
	PROP. CURB & GUTTER		PROP. RETAINING WALL
	EXIST. R.O.W.		PROP. R.O.W.
	PROP. PAVEMENT/ RECONST.		PROP. SIDEWALK
	PROP. MEDIAN PAVEMENT		

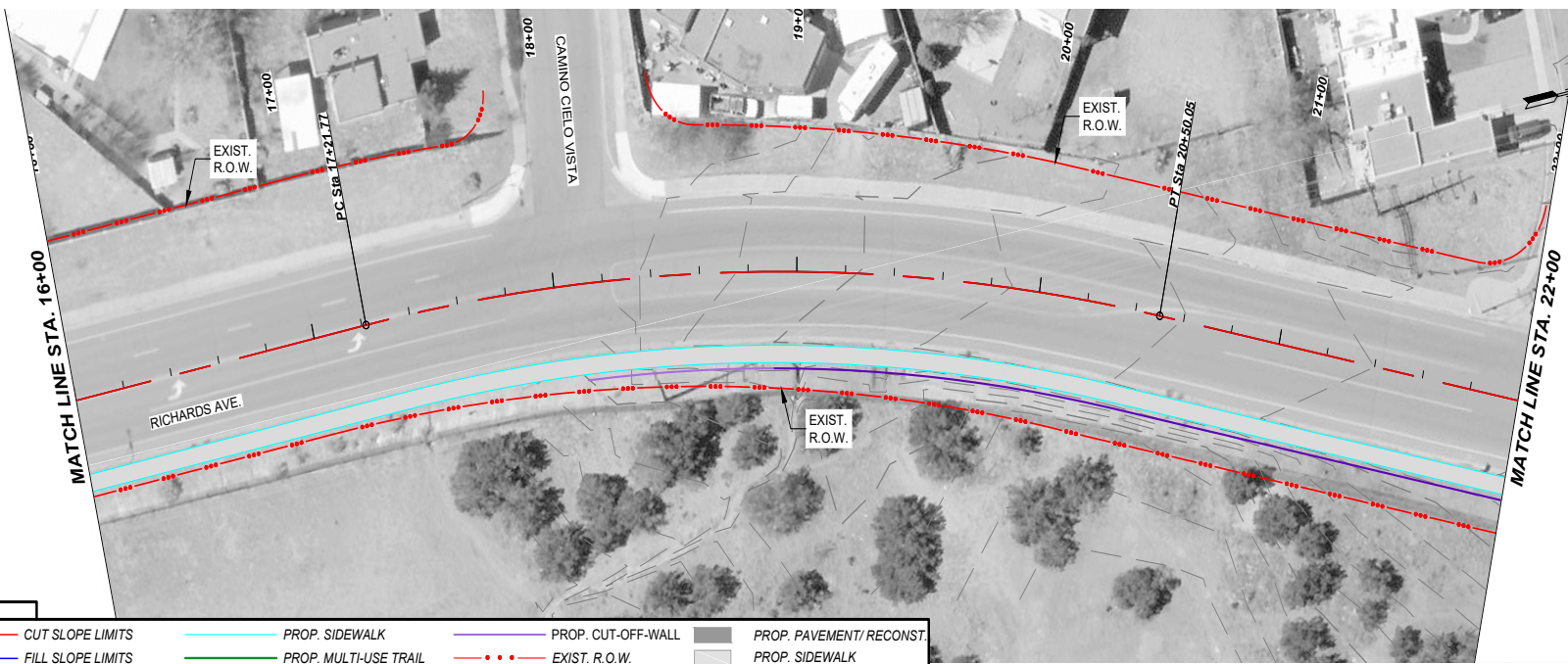
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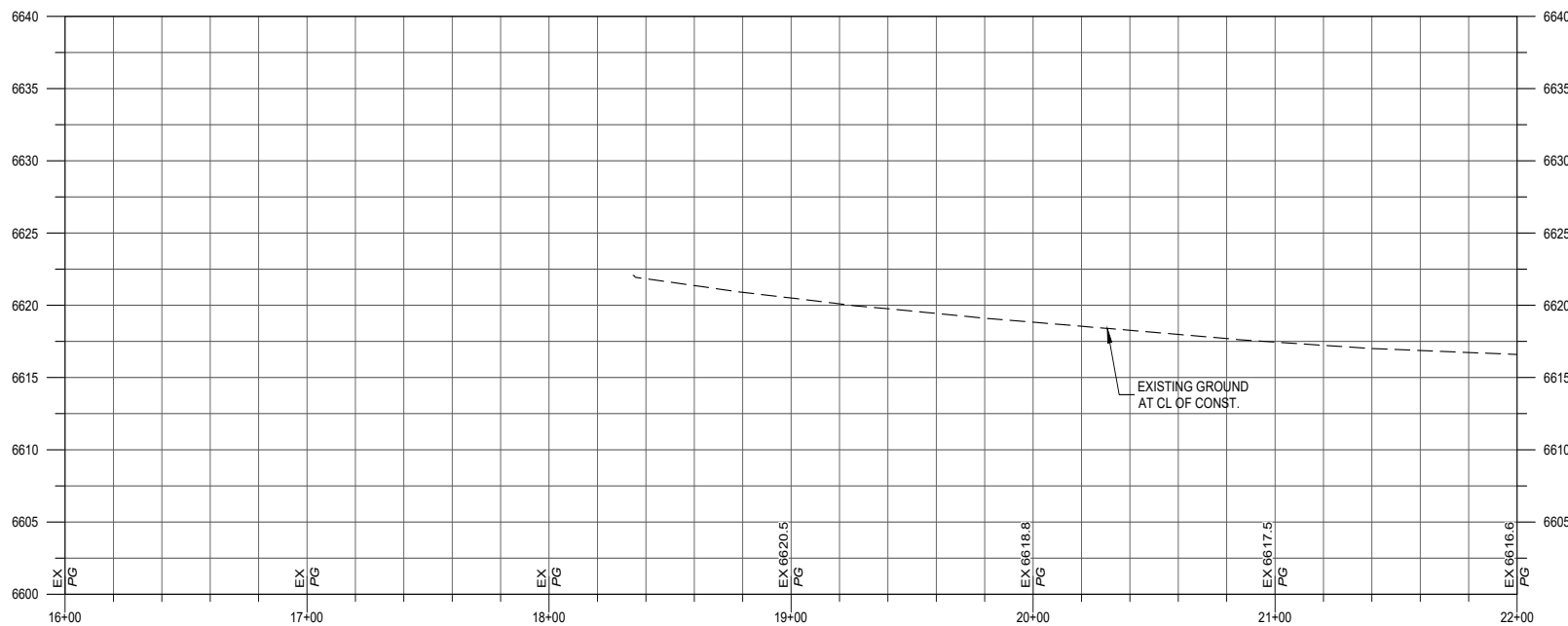
ARROYO DE LOS CHAMISOS
ROADWAY PLAN AND PROFILE FOR
BUILD ALTERNATIVE 2



LEGEND	
	CUT SLOPE LIMITS
	PROP. SIDEWALK
	PROP. CUT-OFF-WALL
	PROP. PAVEMENT/ RECONST.
	FILL SLOPE LIMITS
	PROP. MULTI-USE TRAIL
	EXIST. R.O.W.
	PROP. SIDEWALK
	PROP. CURB & GUTTER
	PROP. RETAINING WALL
	PROP. R.O.W.
	PROP. MEDIAN PAVEMENT

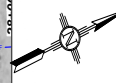
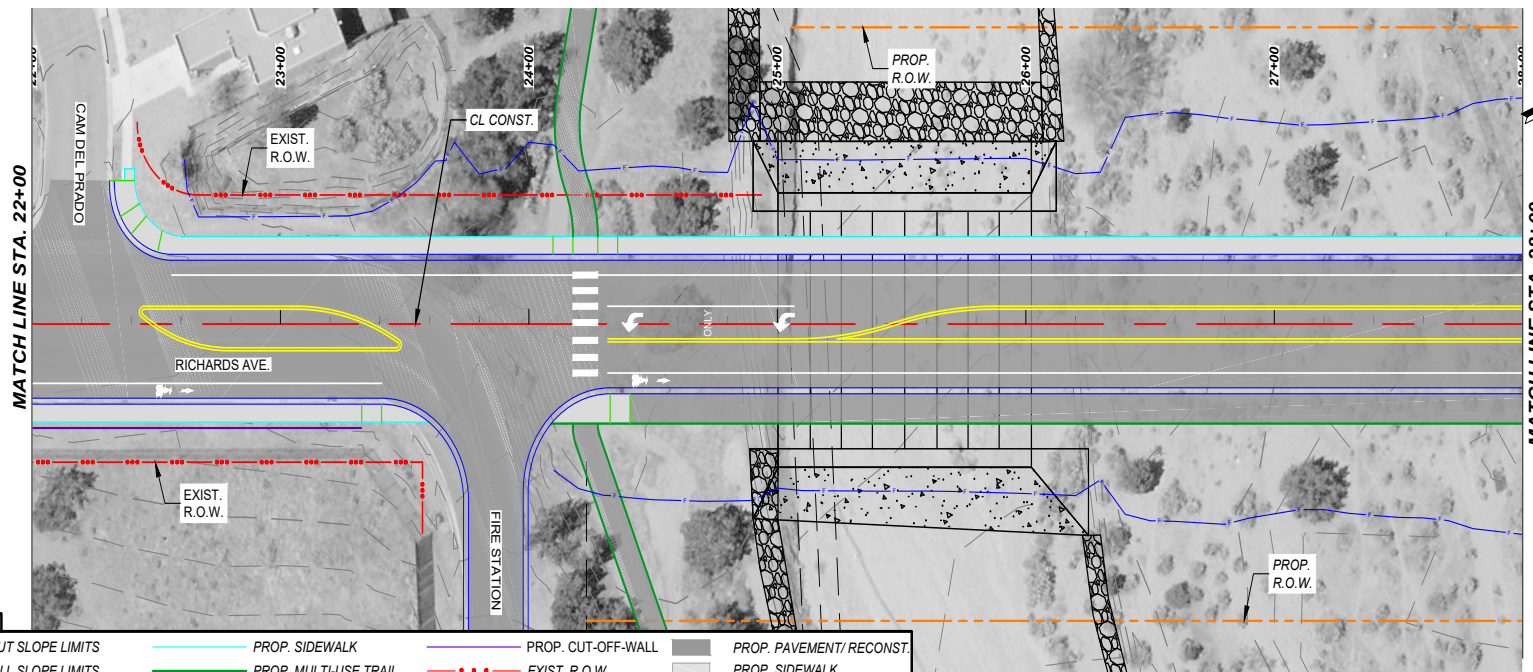
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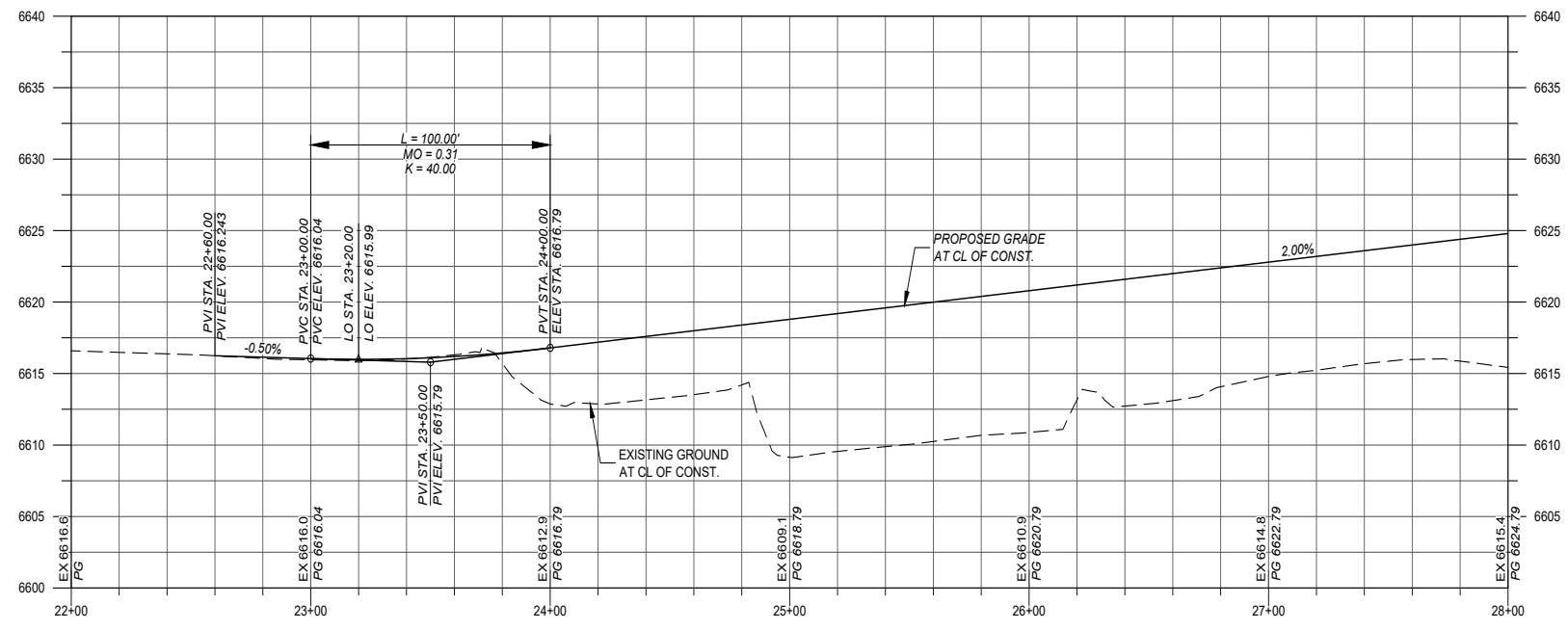
ARROYO DE LOS CHAMISOS
ROADWAY PLAN AND PROFILE FOR
BUILD ALTERNATIVE 2



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— F	— PROP. MULTI-USE TRAIL	- - - EXIST. R.O.W.	PROP. SIDEWALK
— PROP. CURB & GUTTER	— PROP. RETAINING WALL	- - - PROP. R.O.W.	PROP. MEDIAN PAVEMENT

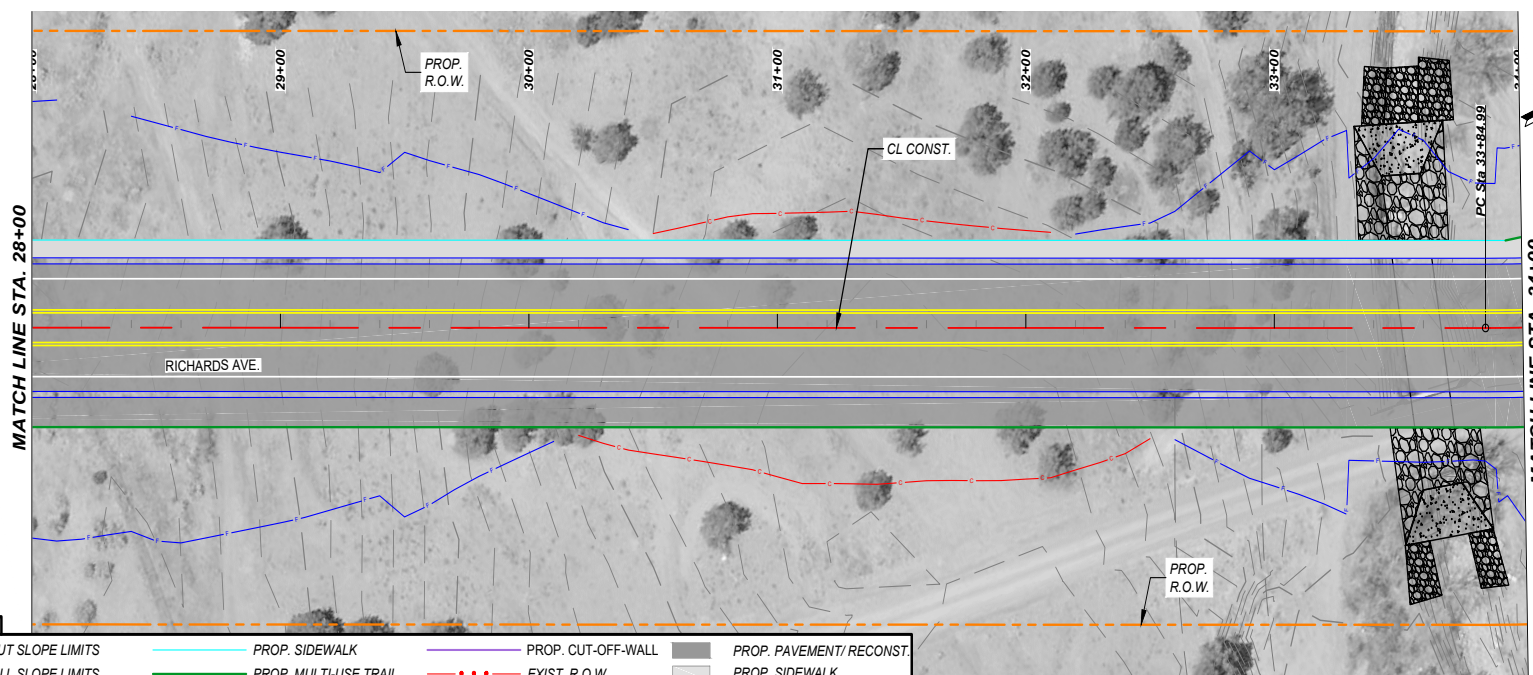
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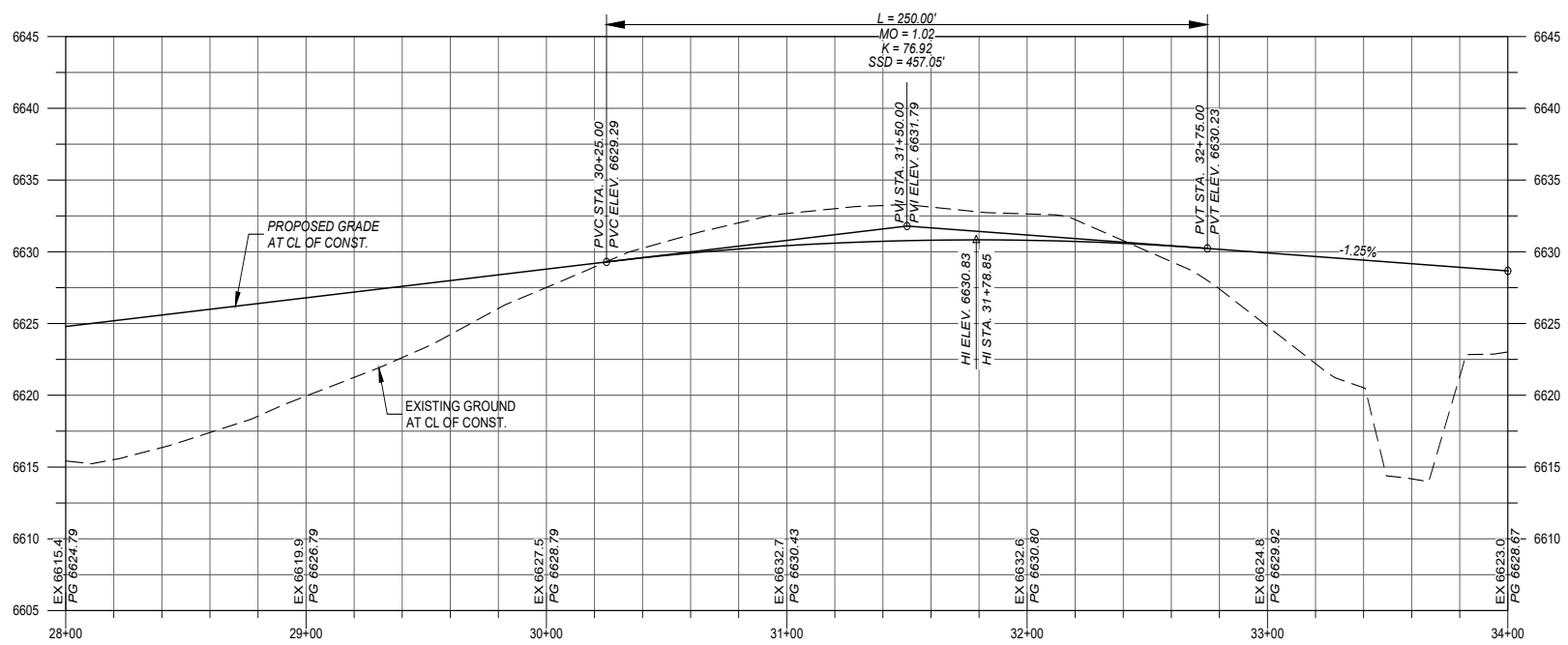
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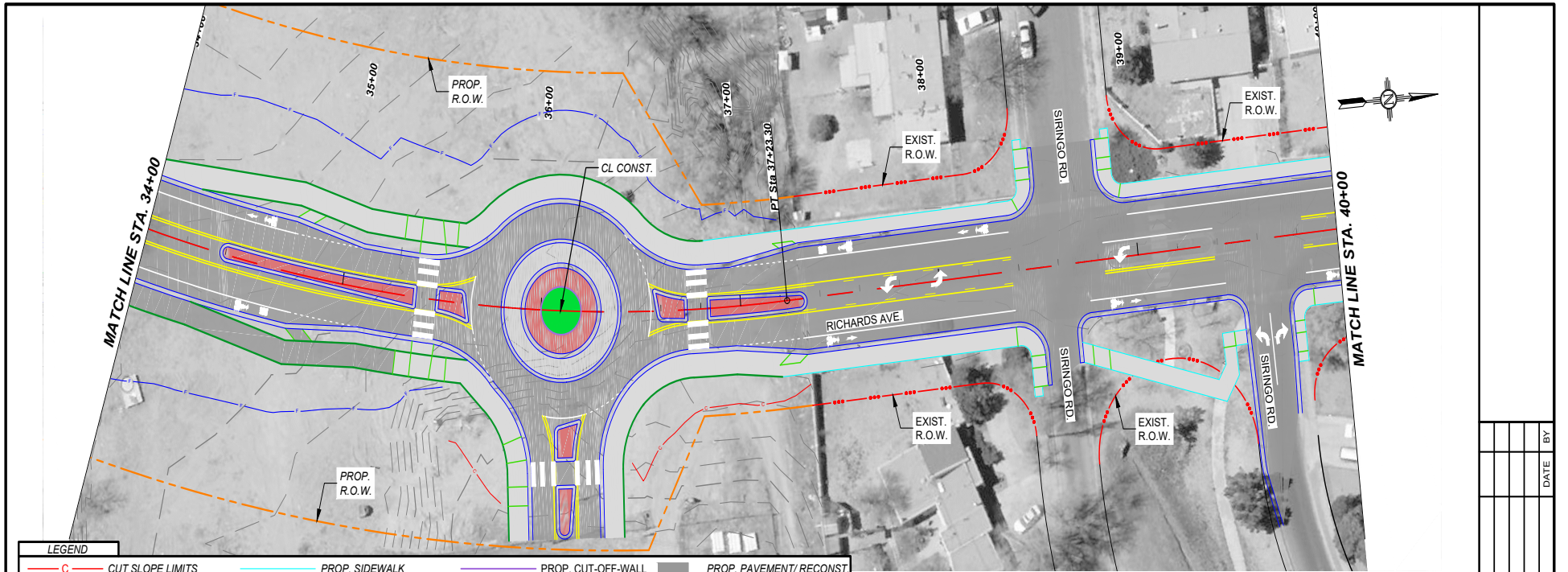
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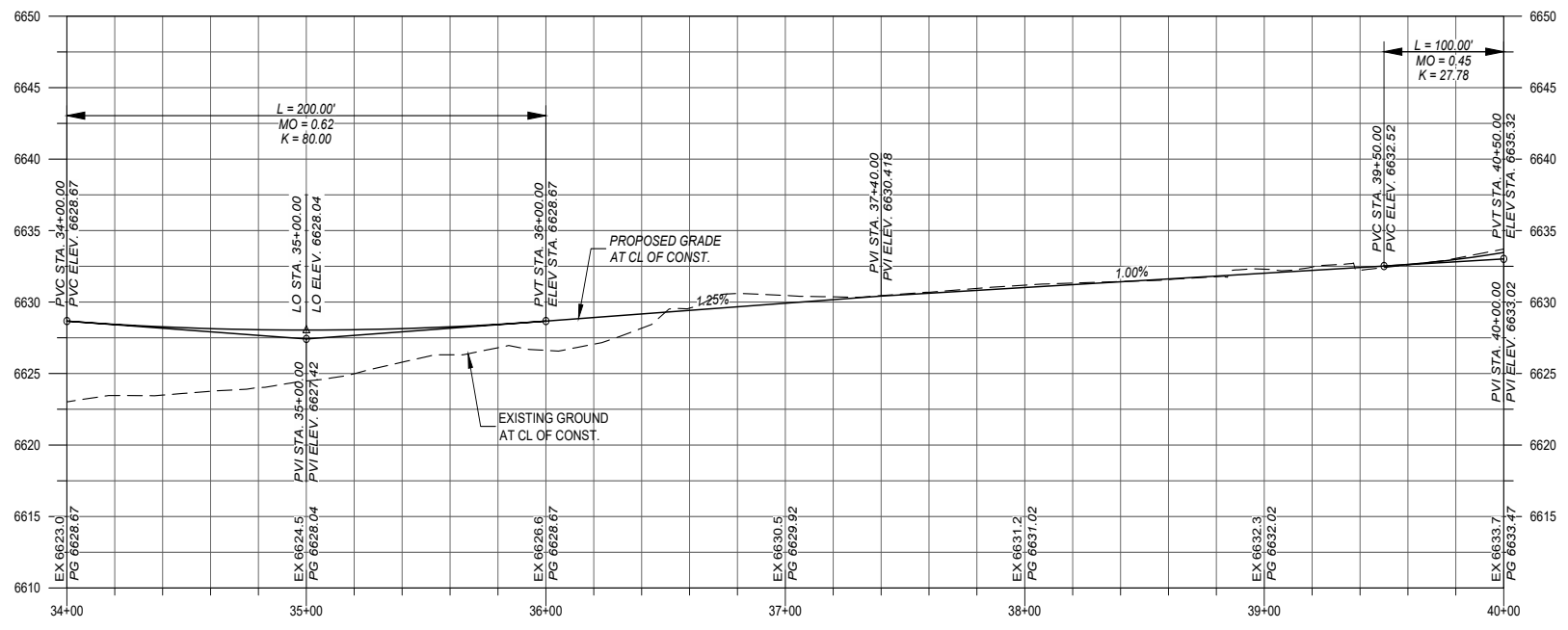
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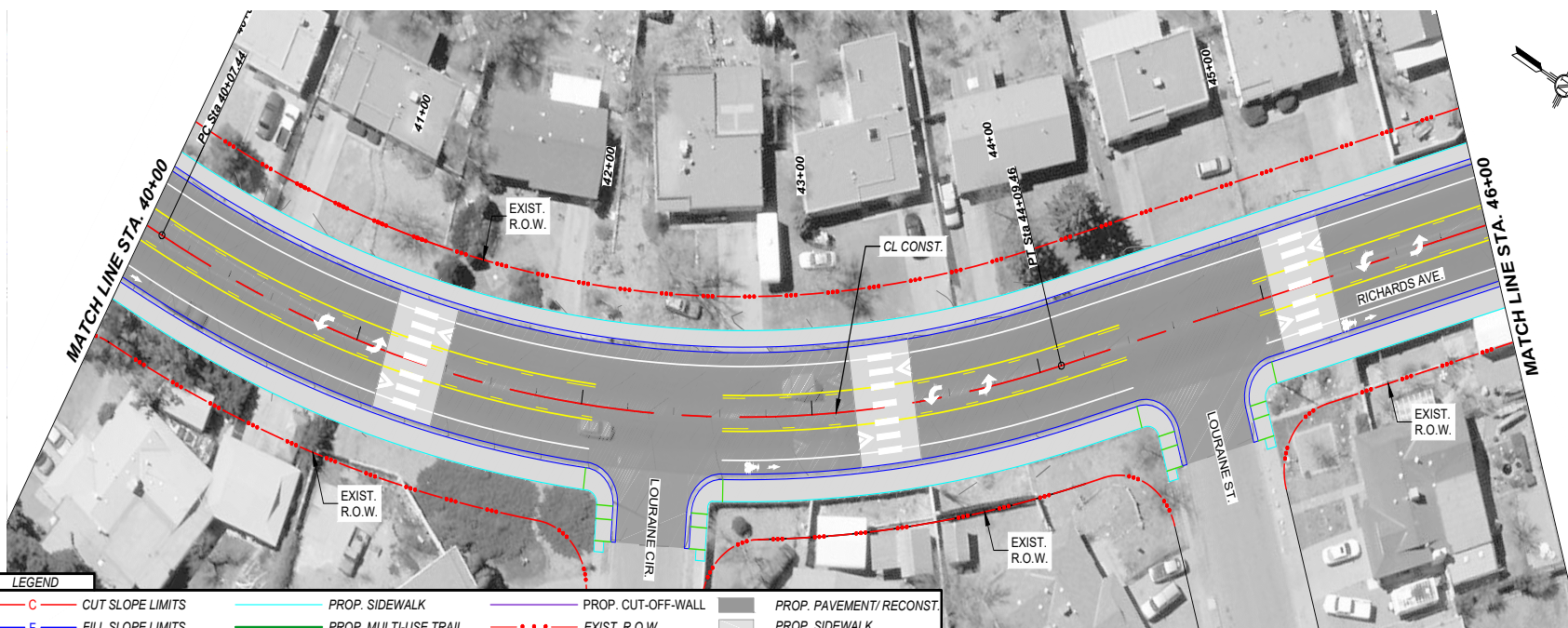
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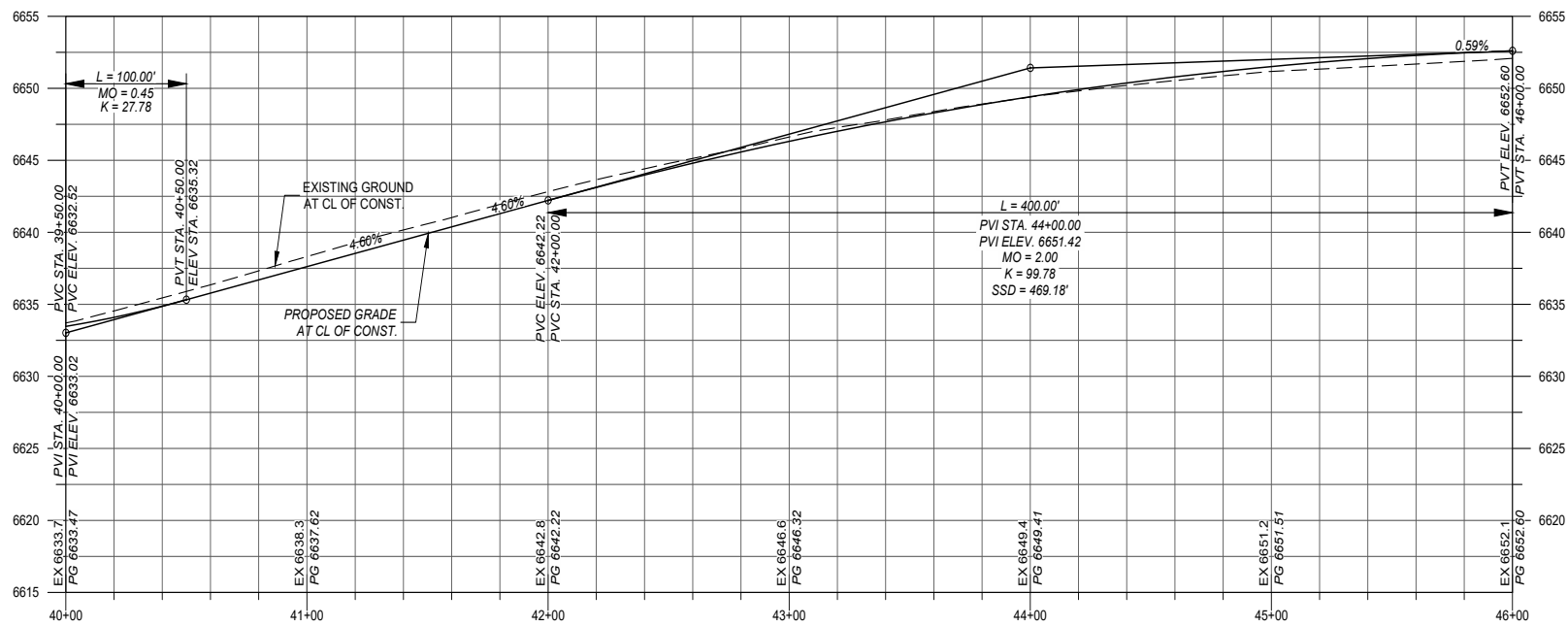


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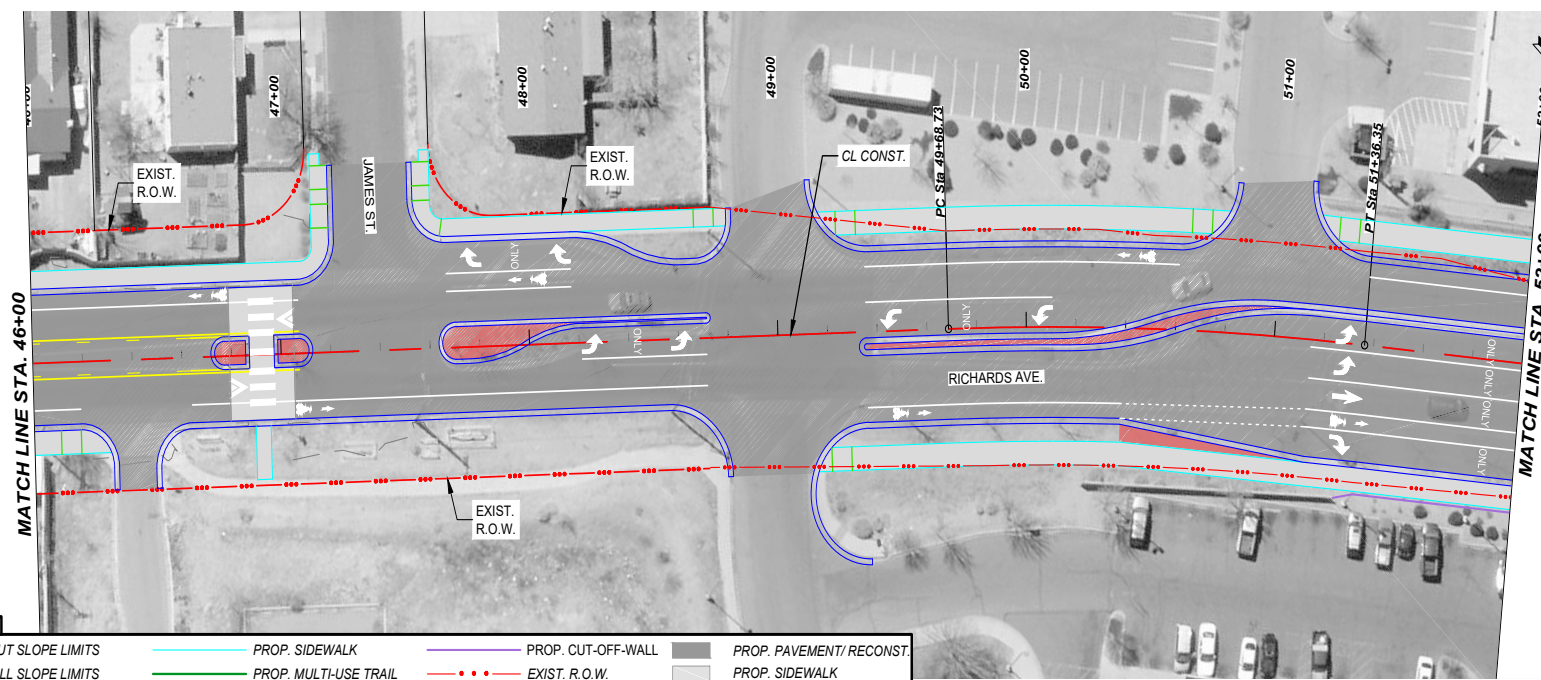
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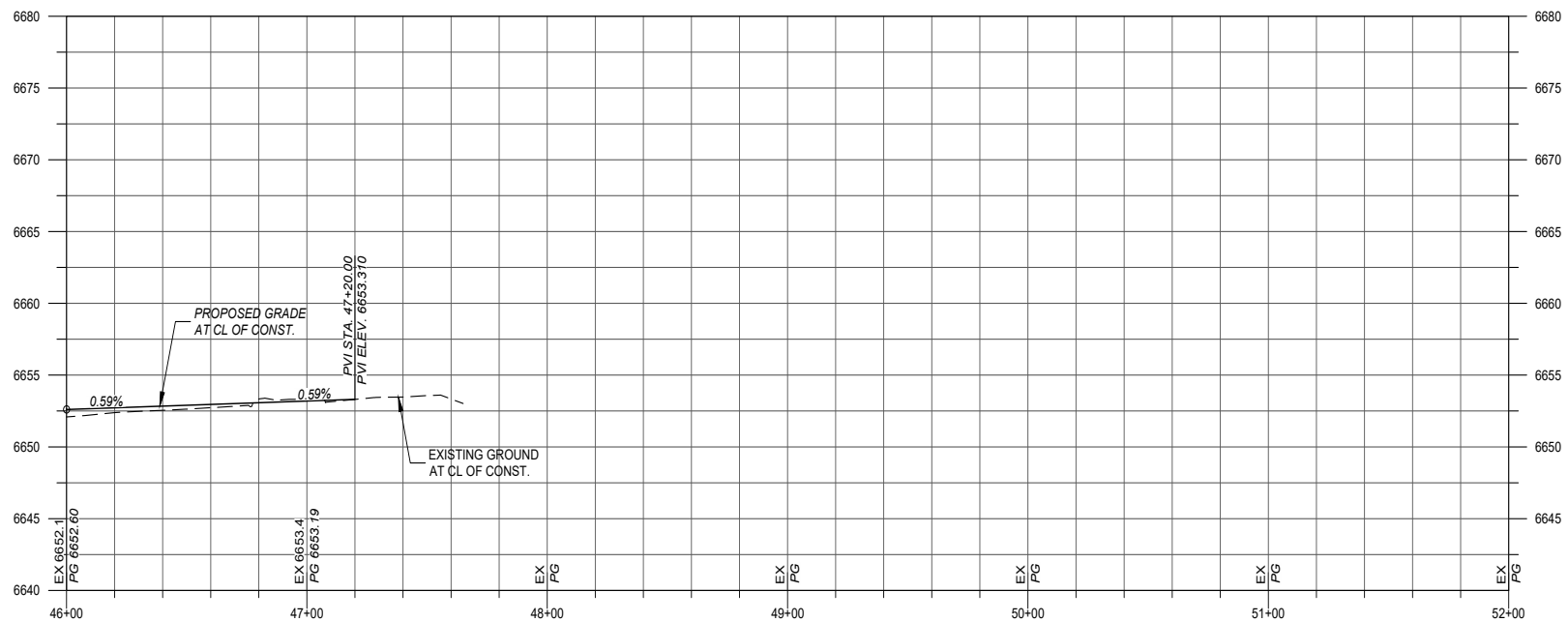
ARROYO DE LOS CHAMISOS ROADWAY PLAN AND PROFILE FOR BUILD ALTERNATIVE 2



LEGEND			
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	FILL SLOPE LIMITS		PROP. MULTI-USE TRAIL
	PROP. CURB & GUTTER		PROP. RETAINING WALL
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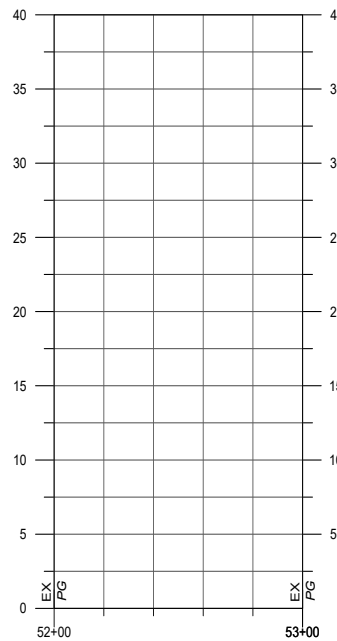
ARROYO DE LOS CHAMISOS
ROADWAY PLAN AND PROFILE FOR
BUILD ALTERNATIVE 2



LEGEND			
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ARROYO DE LOS CHAMISOS
ROADWAY PLAN AND PROFILE FOR
BUILD ALTERNATIVE 2



APPENDIX C

CONCEPTUAL CONSTRUCTION COST ESTIMATES



Estimate of Probable Cost for Build Alternative 1

Arroyo de los Chamisos Crossing
 City of Santa Fe
 19-0127
 Not Assigned
 Phase IB
 3/19/2022

COST SUMMARY - BUILD ALTERNATIVE 1

TYPE OF CONSTRUCTION	SOUTH SEGMENT	MIDDLE SEGMENT	NORTH SEGMENT	ALT 1 TOTAL CONSTRUCTION COST
ROADWAY	\$585,640.00	\$1,585,150.00	\$1,018,650.00	\$3,189,440.00
ADLC BRIDGE		\$3,419,600.00		\$3,419,600.00
ADLP BRIDGE		\$1,273,200.00		\$1,273,200.00
DRAINAGE		\$241,130.00	\$42,290.00	\$283,420.00
CONSTRUCTION SIGNING	\$10,000.00	\$15,000.00	\$50,000.00	\$75,000.00
CONSTRUCTION ENGINEERING	\$7,000.00	\$67,500.00	\$50,500.00	\$125,000.00
PERMANENT SIGNING AND STRIPING		\$22,440.00	\$24,340.00	\$46,780.00
LIGHTING	\$3,880.00	\$62,090.00	\$29,210.00	\$95,180.00
SIGNALIZATION	\$35,000.00		\$15,000.00	\$50,000.00
LANDSCAPING		\$75,000.00		\$75,000.00
SUBTOTAL CONSTRUCTION ITEMS	\$641,520.00	\$6,761,110.00	\$1,229,990.00	\$8,632,620.00
CONTINGENCY (by segment: 15%, 30%, 25%)	\$96,228.00	\$2,028,333.00	\$307,497.50	\$2,432,058.50
SUBTOTAL	\$737,748.00	\$8,789,443.00	\$1,537,487.50	\$11,064,678.50
TRAFFIC CONTROL MANAGEMENT (% varies)	\$5,000.00	\$26,368.33	\$153,748.75	\$185,117.08
MOBILIZATION (10%)	\$74,274.80	\$528,948.68	\$169,123.63	\$772,347.10
SUBTOTAL	\$817,022.80	\$9,344,760.01	\$1,860,359.88	\$12,022,142.68
Construction Augmentation (5%)	\$40,851.14	\$467,238.00	\$93,017.99	\$601,107.13
SUBTOTAL	\$857,873.94	\$9,811,998.01	\$1,953,377.87	\$12,623,249.82
NM GROSS RECEIPTS TAX (see below)	\$72,383.11	\$827,887.33	\$164,816.26	\$1,065,086.70
ALTERNATIVE 1 TOTALS (Including NMGR)	\$930,257.05	\$10,639,885.34	\$2,118,194.13	\$13,688,000.00
	SOUTH	MIDDLE	NORTH	TOTAL

NMGR Rates: (January 1, 2022 to June 30, 2022):
 Santa Fe, Santa Fe County

8.4375%

Estimate of Probable Cost for Build Alternative 2

Arroyo de los Chamisos Crossing
 City of Santa Fe
 19-0127
 Not Assigned
 Phase IB
 3/19/2022

COST SUMMARY - BUILD ALTERNATIVE 2

TYPE OF CONSTRUCTION	SOUTH SEGMENT	MIDDLE SEGMENT	NORTH SEGMENT	ALT 1 TOTAL CONSTRUCTION COST
ROADWAY	\$585,640.00	\$1,510,720.00	\$1,078,500.00	\$3,174,860.00
ADLC MULTI-BARREL CBC		\$2,321,420.00		\$2,321,420.00
ADLP SINGLE BARREL CBC		\$425,235.00		\$425,235.00
DRAINAGE		\$241,130.00	\$42,290.00	\$283,420.00
CONSTRUCTION SIGNING	\$10,000.00	\$15,000.00	\$50,000.00	\$75,000.00
CONSTRUCTION ENGINEERING	\$7,000.00	\$67,500.00	\$50,500.00	\$125,000.00
PERMANENT SIGNING AND STRIPING		\$22,440.00	\$24,340.00	\$46,780.00
LIGHTING	\$3,880.00	\$62,090.00	\$29,210.00	\$95,180.00
SIGNALIZATION	\$35,000.00		\$15,000.00	\$50,000.00
LANDSCAPING		\$75,000.00		\$75,000.00
SUBTOTAL CONSTRUCTION ITEMS	\$641,520.00	\$4,740,535.00	\$1,289,840.00	\$6,671,895.00
CONTINGENCY (by segment: 15%, 30%, 25%)	\$96,228.00	\$1,422,160.50	\$322,460.00	\$1,840,848.50
SUBTOTAL	\$737,748.00	\$6,162,695.50	\$1,612,300.00	\$8,512,743.50
TRAFFIC CONTROL MANAGEMENT (% varies)	\$5,000.00	\$18,488.09	\$161,230.00	\$184,718.09
MOBILIZATION (10%)	\$74,274.80	\$370,871.02	\$177,353.00	\$622,498.82
SUBTOTAL	\$817,022.80	\$6,552,054.60	\$1,950,883.00	\$9,319,960.40
Construction Augmentation (5%)	\$40,851.14	\$327,602.73	\$97,544.15	\$465,998.02
SUBTOTAL	\$857,873.94	\$6,879,657.33	\$2,048,427.15	\$9,785,958.42
NM GROSS RECEIPTS TAX (see below)	\$72,383.11	\$580,471.09	\$172,836.04	\$825,690.24
ALTERNATIVE 1 TOTALS (Including NMGR)	\$930,257.05	\$7,460,128.42	\$2,221,263.19	\$10,612,000.00
	SOUTH	MIDDLE	NORTH	TOTAL

NMGR Rates: (January 1, 2022 to June 30, 2022):
 Santa Fe, Santa Fe County

8.4375%



Estimate of Probable Cost for Preferred Alternative

Arroyo de los Chamisos Crossing

City of Santa Fe

19-0127

Not Assigned

Phase IB

3/19/2022

DRAFT

COST SUMMARY - PREFERRED ALTERNATIVE

TYPE OF CONSTRUCTION	SOUTH SEGMENT	MIDDLE SEGMENT	NORTH SEGMENT	ALT 1 TOTAL CONSTRUCTION COST
ROADWAY	\$585,640.00	\$1,510,720.00	\$1,078,500.00	\$3,174,860.00
ADLC BRIDGE		\$3,419,600.00		\$3,419,600.00
ADLP SINGLE BARREL CBC		\$425,235.00		\$425,235.00
DRAINAGE		\$241,130.00	\$42,290.00	\$283,420.00
CONSTRUCTION SIGNING	\$10,000.00	\$15,000.00	\$50,000.00	\$75,000.00
CONSTRUCTION ENGINEERING	\$7,000.00	\$67,500.00	\$50,500.00	\$125,000.00
PERMANENT SIGNING AND STRIPING		\$22,440.00	\$24,340.00	\$46,780.00
LIGHTING	\$3,880.00	\$62,090.00	\$29,210.00	\$95,180.00
SIGNALIZATION	\$35,000.00		\$15,000.00	\$50,000.00
LANDSCAPING		\$75,000.00		\$75,000.00
SUBTOTAL CONSTRUCTION ITEMS	\$641,520.00	\$5,838,715.00	\$1,289,840.00	\$7,770,075.00
CONTINGENCY (by segment: 15%, 30%, 25%)	\$96,228.00	\$1,751,614.50	\$322,460.00	\$2,170,302.50
SUBTOTAL	\$737,748.00	\$7,590,329.50	\$1,612,300.00	\$9,940,377.50
TRAFFIC CONTROL MANAGEMENT (% varies)	\$5,000.00	\$22,770.99	\$161,230.00	\$189,000.99
MOBILIZATION (10%)	\$74,274.80	\$456,786.03	\$177,353.00	\$708,413.83
SUBTOTAL	\$817,022.80	\$8,069,886.52	\$1,950,883.00	\$10,837,792.32
Construction Augmentation (5%)	\$40,851.14	\$403,494.33	\$97,544.15	\$541,889.62
SUBTOTAL	\$857,873.94	\$8,473,380.84	\$2,048,427.15	\$11,379,681.93
NM GROSS RECEIPTS TAX (see below)	\$72,383.11	\$714,941.51	\$172,836.04	\$960,160.66
PREF. ALT. TOTALS (Including NMGR)	\$930,257.05	\$9,188,322.35	\$2,221,263.19	\$12,340,000.00
	SOUTH	MIDDLE	NORTH	TOTAL

NMGR Rates: (January 1, 2022 to June 30, 2022):
Santa Fe, Santa Fe County

8.4375%

Submitted by:



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Albuquerque, New Mexico 87110
(505) 881-5357

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7500 Jefferson Street NE
Albuquerque, New Mexico 87109
(505) 823-1000

bhinc.com

Comments for BPAC Technical Review Subcommittee, April 8, 2022, on

Phase B Detailed Evaluation of Alternatives, ARROYO DE LOS CHAMISOS CROSSING, Rodeo Road to Cerrillos Road.

Thank you for the analysis and recommendations on this greatly needed transportation connection to serve motorized and non-motorized users.

Trail-Only Alternative: A fourth alternative of “Trail Only” should have been studied and included as previously recommended during public input process. The Metropolitan Bicycle Master Plan has prioritized a trail connection here since 2012 to create direct connections between the Arroyo de los Chamisos Trail, the two sides of Richards Ave. (each with bike lanes and sidewalks), and the Marc Brandt Park Trail, along with Siringo Rd.

In the absence of a road project, a stand-alone non-motorized facility could be achieved at very little cost by simply opening up the City’s emergency fire road crossing the Arroyo de los Chamisos into a facility to be shared with pedestrians and bicyclists. Or the City could work with the state to make a separate trail alignment available. This could serve non-motorized users either instead of or until construction of a road. This has been a missed opportunity since the original creation of the emergency road crossing the Arroyo de los Chamisos Trail over a decade ago. This immense opportunity should not be overlooked as part of this conversation focusing on Richards Ave.

For both alternatives presented:

Grade-Separated Trail Crossing: In addition to at-grade crossing as shown, an underpass for the Arroyo de los Chamisos Trail to travel under Richards Ave. must be incorporated into this design. The Rodeo Rd. underpass just down the same trail is instructive on how this can be done efficiently and cheaply within this proposed road project. That underpass was built by the city as a “retrofit” of an existing concrete box culvert barrel and it continues to provide both excess drainage capacity and a functional, comfortable, and safe grade-separated trail crossing.

Incorporating an underpass into the Richards Ave. design would not be a retrofit. The designers have the opportunity to raise the ceiling of part of the bridge, or of a particular CBC barrel to be used. Additional vertical difference may also be achieved between road and trail surface by raising the level of Richards Ave. to the height of its approaches on Richards Ave and the Fire Station Rd., to the south and east, rather than accommodating the low point where the two roads now meet.

A trail overpass as proposed during meeting is neither practical, for many reasons, nor desirable since this would likely be considered some future, add-on requiring a separate multi-million dollar project.

Fear of encampments and other “nefarious” activity is no reason to rule out a trail underpass. CBC barrels and bridge elsewhere along this arroyo already host these activities without a trail, and in fact a public trail would simply push activity elsewhere as we continue to grapple with the social causes of the phenomenon. Concerns about safety and security of trail users can be addressed with lighting and by providing a safe and functional at-grade crossing of Richards Ave. (both as an alternative crossing and to provide essential links to Richards Ave.).

Roundabout: The roundabout is presented as “traffic-calming” but is in fact a very expensive traffic management device that does not tie into any existing road. It is a huge windfall to the landowner and

any future developer. These elements are more typically left for land developers to fund and build, so why are we paying for it now? A roundabout south of the arroyo, on the other hand, would provide traffic management function at an existing intersection and would eliminate the need for a median on the road (as proposed) since there would be no need for any left-turn lane. It would provide the same traffic calming effect being offered by the team as well as a suitable location for an at-grade trail crossing of Richards Ave.

Median: A 14-ft.-wide median should not be necessary for the road crossing the Arroyo de los Chamisos. If the justification is to allow for speed differentials between traffic turning left onto Fire Station Rd. and those continuing southbound on Richards Ave., it would seem to be the opposite of traffic calming but rather more of a highway design. If the justification is to leave space for cueing while waiting to turn left, then this need should be studied and the length of the left-turn lane minimized to accommodate the level of need identified. Eliminating the open 14 ft.-wide median where it is not needed would not only reduce speeds but it will dramatically reduce the cost of the bridge or culverts, and the rest of the roadway being proposed with this median to the north. This cost-savings might be passed on to some of the other recommendations being developed for non-motorized traffic and for all users.

Side Path: (Trail along Richards Ave.) A “side-path” along east side of Richards Ave. as proposed is justifiable and desirable particularly as a way to directly extend the Arroyo de los Chamisos Trail and connect it to the Marc Brandt Park Trail and other alignments to the north. If the trail is to follow the road, where possible, north of the arroyo, the trail should have more separation from the road rather than be built “Back of curb.” If this is really a trail, the approach to proposed roundabout should be substantially separated from the roundabout, not integrated into a typical roundabout sidewalk (whose function for pedestrians it will be replacing).

The approach of the side-path to Siringo Rd. and Marc Brandt Park would also need to be improved to function as a trail. No additional curb cuts should be allowable on any stretch of this side-path if it is intended to function as such with two-way bicycle traffic. Existing raised crosswalk and intersection in general at Siringo Rd. and Marc Brandt Park needs to all be far more closely examined and carefully developed to function as a safe, combined multi-trail and multi-road intersection.

Emergency Road as Trail, within “Build Road” Alternative: Given that the existing emergency road is parallel to the proposed alignment of Richards Ave. and then converges into that alignment as one heads north, why not eliminate the sidepath on the east side of the bridge or culverts, replace with a simple sidewalk, and keep the emergency road in place as a trail? This would bring substantial savings to the project as currently designed. It already connects to Arroyo de los Chamisos Trail at a safer location, and overall would serve as a far better trail facility, compared to side-path proposal, making the same connection north. (If water is ever flowing, trail users and use sidewalks and bike lanes on Richards Ave instead.)

Arroyo de los Pinos. Humans and animals use this arroyo alignment, which is also proposed to be preserved and possibly improved as a formal trail alignment in the Bicycle Master Plan. Will humans and animals continue to be able to travel along the Arroyo de los Pinos after the construction of Richards Ave.? Can anything be done to accommodate current and future trail needs for crossing and connection to Richards Ave. here?

“Bike Buffers” being shown on widening intersections at Rodeo and Cerrillos. Cost of, need for, and impact of widening these intersections in order to add lanes to accommodate more motor vehicle traffic as part of this project could be examined more deeply. “Bike buffers” are presented as if they are something new and different being added, but they are simply bike lanes and they already exist on each approach.



City of Santa Fe

TRAFFIC CALMING PROGRAM



Education

Enforcement

Engineering

Adopted October 11, 2000
Revised April 14, 2004
Revised August 14, 2013

Engineering Division
PUBLIC WORKS DEPARTMENT



City of Santa Fe

TRAFFIC CALMING PROGRAM

CITY OF SANTA FE
PUBLIC WORKS DEPARTMENT
Engineering Division
PO Box 909
500 Market Street, Suite 200
Santa Fe, New Mexico
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Adopted by the Santa Fe Neighborhood Traffic Calming Task Force, August 29, 2000.

Adopted by the Santa Fe City Council, October 11, 2000.

Revised by the Traffic Calming Program Evaluation Task Force, September 29, 2003
(9/29/03 Recommendations Report).

Revised Program Adopted by the Santa Fe City Council, April 14, 2004, per the
approved Recommendations Report.

Revised by the Bicycle and Trails Advisory Committee (BTAC)

July 17,

Revised Program Adopted by the Santa Fe City Council, August 14, 2013

CITY OF SANTA FE TRAFFIC CALMING PROGRAM

Revised August 14, 2013

Acknowledgements

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Police Chief, Patrick Gallagher

City of Santa Fe Fire Department
Erik Litzenberg, Fire Chief

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Paul Cooley
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CITY OF SANTA FE TRAFFIC CALMING PROGRAM

Original Program Development, October 2000 & April 2004 Revisions

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Santa Fe Police Department, Deputy Chief Beverly Lennen and Lt. Frank Rute City of Santa Fe Fire
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City of Santa Fe Public Works Department, Streets and Drainage Maintenance Division

Santa Fe Public Schools, Transportation Division

Santa Fe Trails

City of Santa Fe
TRAFFIC CALMING PROGRAM

I.	Introduction	1
II.	Program Goal, Objectives, and Policies	5
III.	Application Process	9
IV.	Procedures	11
	• Eligibility and Ranking	11
	• Plan Development	14
	• Plan Approval, Appeals and Implementation	16
	• Project Evaluation	18
V.	Techniques	20
	• Techniques for Local Street Projects	22
	• Techniques for Complex Traffic Calming Projects	31
VI.	Application Forms.....	36
VII.	Appendices	40
	A. Bibliography	
	B. Santa Fe MPO Functional Classification of the Regional Highway System	
	C. City of Santa Fe Emergency Response Route Map	
	D. City of Santa Fe Priority Snow Removal Services Area Map	
	E. 2012 Santa Fe Bikeways and Trails Map	

I. INTRODUCTION

Traffic Calming Program

The City of Santa Fe's original traffic calming program was developed in 2000, and has been in operation since March 2001. In the spring of 2003, the Santa Fe City Council requested an evaluation of the program's structure, goals, and traffic calming achievements up to that time. A citizen and staff task force was formed to evaluate the program, and through a six-month process, including nine public meetings, field trips and working sessions, they developed a report recommending changes to the program. The council reviewed this report, and adopted a set of amendments on April 14, , creating Santa Fe's Traffic Calming Program . All of the council-approved amendments are contained within this document. The task force Recommendations Report is available from City Traffic Engineering Division.

What is neighborhood traffic calming?

"Neighborhood traffic" is a general term referring to any traffic on local residential streets. As population and employment in the City of Santa Fe have grown over the years our streets have experienced increases in traffic, and neighborhood groups and residents have become increasingly concerned about the effects of traffic. As a result calming or managing traffic in residential areas has become a common goal of many residents.

On local residential streets, a vision is now being promoted that motorists should be guests and behave accordingly. These streets are not intended to carry large amounts of non-residential traffic. Adverse traffic conditions on these streets can greatly affect neighborhood livability. If traffic impacts occur on a regular basis, the quality of life in the neighborhood can deteriorate. To maintain a high quality of life, Santa Fe's local residential streets should be protected from the negative impacts of traffic. One of the main objectives of Traffic Calming Program is to enhance the pedestrian environment in neighborhoods, allowing for an increase in safe pedestrian activity.

Neighborhood traffic calming is the development of an approach to calm and manage traffic and improve neighborhood safety and livability for neighborhoods experiencing traffic impacts. To be successful, approaches will differ for each neighborhood in order to best solve the particular traffic impacts in that area. Any approach to neighborhood traffic calming must involve the public in the planning and design of the project. This allows residents to evaluate the options available to them, to discuss the benefits and trade-offs of project proposals in their neighborhood, and to be actively involved in the decision-making process.

In addition to local residential streets, collector and minor arterial streets in some neighborhoods may experience traffic impacts that can also be mitigated through neighborhood traffic calming techniques.

What are the three “E”s in dealing with neighborhood traffic?

Dealing comprehensively with neighborhood traffic issues requires the use of various techniques, which generally fall under the categories of Education, Engineering and Planning, and Enforcement. Education provides information to people about how they as motorists can help to ease traffic impacts through changes in behavior and attitudes, and informs them about neighborhood traffic management activities and opportunities. Engineering and planning encompasses both traditional traffic management measures as well as newer approaches, such as traffic calming, which, according to the Institute of Transportation Engineers, is the “combination of mainly physical measures that reduce the negative effects of motor vehicle use, alter driver behavior and improve conditions for non-motorized street users.” Enforcement enlists the assistance of the Police Department to focus enforcement efforts in project areas. All three are important components in dealing effectively with neighborhood and community-wide traffic issues.

In , the task force’s Recommendations Report re-emphasized the need to promote enforcement and education solutions along with engineering approaches. The report outlined several specific steps to improve enforcement and education efforts, including increasing speeding fines and saturation patrols, lobbying for red-light camera legislation, developing a city-wide education program on speeding and reckless driving, and developing awareness activities, like speed radar display signs and a Santa Fe Pace Car Program. The City Council supported these recommendations and appropriated funds for several of these activities. Currently, several city departments are actively working on the implementation of these efforts.

How was the original Traffic Calming Program (TCP) established?

The 1999 City of Santa Fe General Plan supports the city’s efforts to develop traffic calming standards, and to “discourage speeding and cut-through traffic through neighborhoods by installing appropriate traffic control and calming measures, such as bulbuing sidewalks at intersections and narrower street widths, without limiting through streets.” (General Plan Policies 6-1-I-9, 6-1-I-11)

Prior to adoption of the General Plan, the City Council in February of 1998 adopted Resolution 1998-12 calling for the establishment of a Neighborhood Traffic Management Program in Santa Fe. The council recognized that traffic was negatively impacting both safety and quality-of-life in the neighborhoods. Residents had requested that the city use traffic calming measures to slow speeding traffic and divert non-local traffic from neighborhood streets in order to make the neighborhoods more livable, quieter, and pedestrian-oriented. The council wanted to address these concerns while continuing to protect the health, safety, and welfare of all Santa Fe’s citizens and visitors.

The council appointed a task force to study appropriate methods for the reduction of cut-through traffic, speeding traffic and other undesirable motoring behaviors in residential areas, and to develop a program for implementation of these methods. In October, 2000, the Santa Fe Traffic Calming Program (TCP) was approved by the City Council and initiated within the Traffic Engineering Division of the City Public Works Department.

As mentioned above, in April the City Council adopted revisions to the program, creating Traffic Calming Program.

How does Traffic Calming Program work?

The TCP provides tools that can deal with traffic that negatively impacts neighborhood livability. At the neighborhood's initiative, city staff studies the nature of the traffic concern in the proposed area and assesses the eligibility of the proposed project for the TCP. If the project is eligible, it is ranked with other eligible projects according to specific ranking criteria. For projects that are prioritized, residents and city staff then become involved in developing a neighborhood traffic calming plan that will address the traffic problems specific to the project street or area.

The TCP provides a framework for residents of a neighborhood to examine traffic patterns in their area and choose alternatives that can achieve community acceptance. The program attempts to find a balance between the many uses and needs of the residential neighborhood and helping residents to feel safe and secure in their neighborhood.

This program does not necessarily provide a simple solution for every neighborhood traffic concern. In some cases the traffic concerns are complicated and may have developed over a long period of time. There are other methods outside the TCP that Traffic Engineering Division and other city departments can use to address other traffic issues.

What projects are covered by Traffic Calming Program ?

There are two types of projects in the TCP : Local Street Projects and Complex Traffic Calming Projects.

Local Street Projects deal with traffic problems on residential streets classified as "local" streets on the City of Santa Fe Functional Road Classification (FRC) Map (Appendix B). These small-scale projects cover an area limited to the properties adjacent to the targeted street. The planning and cost involved in a Local Street Project is usually less than what is required for more complex projects. These projects are funded through the recurring traffic calming budget of the City's Public Works Department.

Traffic Calming Program specifically allows for Local Street Projects to proceed more quickly than the timeline for complex projects outlined below. If a local street project does not encounter complications in the planning process, it may move to the neighborhood balloting process more quickly than complex projects that are occurring at the same time.

Complex Traffic Calming Projects are projects dealing with traffic impacts on residential streets classified as “collector” or “minor arterial” streets on the FRC map. These projects may deal with one or more streets, or, as treatment of these streets may cause diversion of traffic, an entire neighborhood. They may include emergency response routes or priority snow removal roads, and may look at other issues such as access points, enhancement of pedestrian facilities, and installation of more extensive physical modifications than those used in a Local Street Project.

The City of Santa Fe is committed to developing effective approaches to managing neighborhood traffic within the resources that are available. Neighborhood involvement is a key component in all aspects of the TCP .

How does a neighborhood start a Traffic Calming Program project?

Anyone residing or owning property within a neighborhood is eligible to apply for a TCP project for a local, collector, or minor arterial street(s) within that area.

- The first step is to schedule a pre-application meeting with a staff member from City Traffic Engineering Division to discuss the area in question and the TCP process, including the initial petition process that the applicant must complete. Staff provides a packet of TCP program information, including application and petition forms.
- The applicant circulates a petition in the identified project area to demonstrate that at least 30% of residents and property-owners support initiation of a traffic calming project. The applicant must obtain the necessary signatures, complete the application materials, and return everything to Traffic Engineering Division.
- The eligibility and ranking of the project is then studied by Traffic Engineering Division staff. Traffic studies are done to determine if the street or project area meet the minimum eligibility requirements for inclusion in the TCP . If a project is eligible, further studies are done to determine the priority ranking of the project in relation to other eligible projects that have been submitted to the TCP . Staff notifies the applicant about the status of the proposed project. If the project is ranked as a priority it moves into the plan development phase, which is outlined in the Procedures section of this document.

For more detailed information on how to start a TCP project see Section III. Application Requirements in this document.

II. PROGRAM GOAL, OBJECTIVES AND POLICIES

Program Goal: The goal of the Traffic Calming Program (TCP) is to establish procedures and techniques to promote community and neighborhood livability by mitigating the negative aspects of automobile traffic in the city's neighborhoods.

Objectives:

The overall objectives for the TCP are derived from existing city policy. They are:

- To improve neighborhood livability by mitigating the impact of vehicular traffic on residential neighborhoods.
- To promote safe and pleasant conditions for residents, motorists, bicyclists, pedestrians, and transit riders on residential streets.
- To manage vehicular traffic on neighborhood streets.
- To reduce the average speed of traffic on residential streets.
- To preserve and enhance pedestrian and bicycle access to neighborhood destinations.
- To solicit citizen participation in all phases of the program and in all traffic calming activities.
- To provide a process that will address neighborhood traffic calming requests and make efficient use of city resources by prioritizing projects.

Policies:

The following policies are established as part of the TCP :

1. Streets eligible for the City of Santa Fe's Traffic Calming Program must be publicly dedicated and maintained streets located within the City of Santa Fe.
2. Principal arterials as designated on the City of Santa Fe Functional Road Classification (FRC) Map are not eligible for the TCP . Roads classified as locals, collectors or minor arterials are eligible for the program.
3. Through traffic shall be routed to major roadways such as principal and minor arterials as designated on the City of Santa Fe FRC Map.
4. Some traffic may be rerouted from one local residential street to another as a result of a traffic calming project. Traffic rerouting can occur due to the implementation of such devices as divertors, cul-de-sacs, or partial road closures. The amount of rerouted traffic that is acceptable will be defined on a project-by-project basis by the Citizen Traffic Committee for that project and city staff. Generally, adjacent local streets should not receive an increase of more than 250 vehicles per day or an

increase in traffic greater than 50%, whichever is less. If adjacent streets receive higher than acceptable levels of rerouted traffic, additional studies will be undertaken by staff in order to consider possible mitigation of those impacts.

5. To ensure that essential City services are not compromised, the following guidelines will be followed. Reasonable emergency vehicle access will be preserved, and the appropriate agencies will be asked to review proposed traffic calming plans and to comment in writing.
 - a. The Citizen Traffic Committee may invite a Fire Department staff member to explain the Department's criteria for access to the neighborhood. All TCP projects must meet the approval of the Fire Department.
 - b. Traffic calming devices shall not block access to a fire hydrant as determined by the Fire Department.
 - c. The newly revised City of Santa Fe Emergency Response Route Map, April (Appendix C), which was developed by the Santa Fe Fire Department, designates both Priority One and Priority Two Emergency Response Routes throughout the city. On Priority One routes neither speed humps (14 ft.) or speed tables (22 ft.) shall be used. Raised crosswalks may be used only with the express approval of the Fire Chief. Horizontal devices and raised intersections may be used. On Priority Two routes, speed humps (14 ft.) shall not be used, but all other devices may be used. The city and the Citizen Traffic Committee shall work to find other devices or techniques that can achieve the desired level of traffic management.
 - d. If a roadway segment is narrowed by a traffic calming device, it must leave travel width adequate for Fire and Solid Waste vehicle access.
 - e. A divertor at an intersection must allow for a forty foot turning radius.
 - f. If a road is closed and the resulting dead-end segment is more than 150 feet long, the closure must include a Fire Department approved turn-around.
 - g. If a project includes a street that is part of an operating regular service transit route, the use of traffic calming devices will be reviewed with the city's Transit Division and the Santa Fe Public School District Transit Department prior to approval.
 - h. All streets selected for traffic calming need to be evaluated to determine drainage impacts. Consideration shall also be given to streets designated on the City of Santa Fe Priority Snow Removal Roads Map (Appendix D). Traffic control devices on Priority One Snow Removal streets should be limited to medians and turn-bays. Traffic calming devices are allowed on Priority Two and Three Snow Removal streets, but horizontal devices should be emphasized when possible. These concerns will be reviewed with the Streets Maintenance Division prior to approval.

- i. If a street is a major conduit of storm water and its slope is steep enough that a traffic calming device would deflect storm water out of the public right of way, device(s) will be selected to minimize or eliminate this problem.
6. The Traffic Calming Program shall explore the use of visual effects, such as striping and landscaping, when feasible before turning to the use of vertical or horizontal traffic calming devices. Visual effects and traffic calming devices must be designed to current design standards and consider their effect on access and safety for all road users, i.e. pedestrians, bicyclists and motorists including emergency and public transportation services.
7. The city seeks to minimize the visual impact of signs, while meeting the overall objective of making the roads safe for drivers and others. Within the parameters established by the Manual on Uniform Traffic Control Devices (MUTCD), the city shall explore other options that might improve the aesthetic appeal.
8. Landscaping is an important aspect of traffic calming for both aesthetic reasons and as a reinforcement of the visual impact of traffic calming measures. Landscaping can be used as a traffic slowing technique on its own by creating a visual narrowing of the roadway.
9. The grade of the roadway should be considered in the design phase to determine if a tighter spacing of traffic calming devices may be needed to prevent vehicles from picking up speed between devices on the downgrade. Because of the high speeds attainable by bicycles on downgrades, horizontal devices should be used with special caution. These issues should be analyzed per safety and engineering standards, and then included as appropriate in staff's consideration of projects.
10. The variety of traffic calming devices that shall be employed shall meet objectives in accordance with sound engineering practices. City of Santa Fe Traffic Engineering Division directs the installation of all traffic control devices in compliance with applicable laws and the Manual on Uniform Traffic Control Devices.
11. Speed humps shall not be used on any street with more than one travel lane in each direction.
12. Reasonable automobile access will be maintained. Pedestrian, bicycle, and transit access will be enhanced where possible and practical.
13. Parking removal shall be considered on a project by project basis. It shall be balanced with other needs.

14. The program shall be implemented according to city codes and related policies within applicable resources. The procedures outlined in this document shall be used.
15. A survey of the residents and property-owners in the project area may be conducted by city staff after the evaluation period to determine if some aspect of the installation no longer meets the needs of a neighborhood. If 75% of the people surveyed agree that a device or devices no longer meet the needs of the neighborhood, staff will review the performance of these devices and will estimate the cost of mitigating, revising or removing these devices.
16. If a project meets criteria to be considered for traffic calming and is ranked on the priority list, but is unfunded, a neighborhood association may elect to provide funds for the design and construction of such devices upon approval of Traffic Engineering Division in accordance with city policies and these procedures.
17. Special events are not eligible for the funding and installation of traffic calming devices via this program.
18. After a project is implemented, if tests indicate hazards which had not been foreseen, the installation may be revised or removed at any time at the discretion of Traffic Engineering Division. The City will not forward a survey in this situation, although notice will be provided to residents in the project area.
19. While narrowing horizontal devices such as curb extensions, bulbouts, chokers and neckdowns are intended to lower vehicular operating speed, reduce pedestrian crossing distance and improve visibility between motorists and pedestrians, it is recognized these devices should not extend into the travel path of a bicyclist and should be highly visible. Current design guidelines including AASHTO A Policy on Geometric Design of Highways & Streets, AASHTO Guide for the Development of Bicycle Facilities, the Manual of Uniform Traffic Control Devices, and other Traffic Engineering Division guidelines, standards, and state of the practice methods shall be used in keeping with the "complete streets" concept to ensure a harmonious design beneficial to all users. See the Santa Fe MPO's 2012 Santa Fe Bikeways & Trails Map (Appendix D) for more information regarding on street bike routes and multiuse trail connections to streets.

III. APPLICATION PROCESS

Anyone residing or owning property within a neighborhood is eligible to apply for a TCP project for a local, collector, or minor arterial street within that area. This section describes the steps involved in the application process.

- **Attend a pre-application meeting with a staff member from City Traffic Engineering.**

The prospective applicant should call Traffic Engineering to set up an appointment. Staff and the applicant will review the street or area in question and discuss the TCP process, including the initial petition process and application forms that the applicant must complete. Staff and the applicant will discuss the type, location and degree of the applicant's traffic concerns and discuss possible solutions. If a preliminary review indicates a potential hazard to the public exists or the issue is not related to speeding or cut-through traffic, staff may address the issue separately as it may not fall under the umbrella of the TCP . However, if the situation could fall under the TCP , the staff member will determine whether the potential project would be a Local Street Project or Complex Traffic Calming Project, and will identify a formal "project" or "affected" area for the project, which shall serve as the petition area. Staff will then provide the applicant with a packet of TCP program information, including application and petition forms.

- **Circulate the petition in the project area. Submit completed application.**

It is the responsibility of the applicant to circulate a petition to demonstrate that at least 30% of residents and property-owners in the identified petition area are in favor of initiating a traffic calming study. The petition signatures must be obtained within a three month period. Having this level of support is necessary for further study of neighborhood traffic calming in the area. The applicant is also responsible for notifying the contact persons of the registered residential association¹ in their area that they are preparing an application for a TCP project. The applicant must obtain the necessary petition signatures and complete the application materials and return them to Traffic Engineering Division. If the material is incomplete or an insufficient number of signatures are submitted the materials will be returned to the applicant for revision. The date a complete package is submitted will be considered as the date of application for the program and the time when the project is carried to the next step.

¹ Registered residential association contact information is available from the City of Santa Fe Planning Division.

- **City Traffic Engineering Division staff evaluate the application for the eligibility and ranking of the potential project in the TCP .**

City staff will evaluate the potential eligibility and ranking of the project according to the procedures outlined in this document. Preliminary traffic studies are done to determine if the street or project area meet the minimum eligibility requirements for inclusion in the TCP . If a project is eligible, further studies are done to determine the priority ranking of the project in relation to other eligible projects that have been submitted to the TCP .

IV. PROCEDURES

The procedures for the City of Santa Fe Traffic Calming Program (TCP) include four components: Eligibility and Ranking; Plan Development; Plan Approval, Appeals and Implementation; and Project Evaluation. These components are outlined below.

Eligibility And Ranking

Upon receiving a complete application package including the required petition of support, staff evaluates the eligibility of the proposed project. The eligibility is determined according to the following point system.

The projected increase in traffic volume that has been defined by a city-approved traffic impact analysis as part of a city-approved future development shall be added to the current measured volume of traffic on the street when the street is being analyzed for the TCP . These projected volumes shall be added only when a final development plan has been approved by the governing body, or other formal approval by the city has been granted that allows the development to be constructed.

Eligibility Criteria – Local Street Projects

The first type of TCP project is the Local Street Project. This type of project focuses on the treatment of a neighborhood street that is experiencing traffic problems. The street must be designated as a **local street** on the Functional Road Classification (FRC) Map of the City of Santa Fe. Generally a Local Street Project should consist of treatment of a single local street. If the basic criteria discussed above are met then the proposed street is studied and scored based on the criteria described in Table 1.

Table 1 – Eligibility Criteria for Local Street Projects

Eligibility Criteria	Points	Basis for Point Assignment
Volumes	0 to 40	Measure of Vehicles Per Day (vpd): 0-500 vpd = 0 pts.; 501-750 vpd = 10 pts.; 751-1000 vpd = 20 pts.; 1001-1500 vpd = 30 pts.; 1501-2000 vpd = 35 pts.; over 2001 vpd = 40 pts.
Cut-through traffic	0 to 25	Measure of Percent by which cut-through traffic exceeds local traffic (%): 0-25% = 0; 26-50% = 5 pts.; 51%-100% = 15 pts.; above 100% = 25 pts.
Speeds	0 to 35	Measure of Miles Per Hour by which the 85 th percentile speed exceeds the posted speed limit (mph): 0-5 mph = 0 pts.; 6-10 mph = 15 pts.; 11-15 mph = 30 pts.; over 15 mph = 35 pts.
Total Points Possible	100	

The street must receive a minimum score of **40 points** in order to be eligible for a Local Street Project.

Eligibility Criteria – Complex Traffic Calming Projects

The second type of TCP project is the Complex Traffic Calming Project. These projects consist of traffic management on collector and minor arterial streets or, in some cases, on local streets that because of other factors are placed into the complex street category. For example, the study and treatment of several local streets that form a neighborhood street system would be categorized as a complex project. Complex Traffic Calming Projects may consider streets that are emergency response routes or priority snow removal roads (as designated on the city's Emergency Response Route and Snow Removal Roads Maps contained in the appendices of this document), or which result in a significant diversion of traffic, and will look at a variety of possible treatments for the street. Because treatment of collectors and minor arterials may cause diversion of traffic onto surrounding streets, the project will entail a more detailed study of the street network throughout the neighborhood. The complex project may look at other issues along the street such as access points, enhancement of pedestrian facilities, median treatments, and others.

Following are the basic criteria for a Complex Traffic Calming Project:

- The street must be designated as a **collector or minor arterial street** on the Functional Road Classification Map of the City of Santa Fe, or, if classified as a local street, it must meet the special conditions described above, such as designation as an emergency response route or priority snow removal road.
 - A minor arterial street must have a minimum volume of 2,000 vehicles per day.
 - A collector street must have a minimum volume of 1,000 vehicles per day.
 - Local streets moved into the Complex Traffic Calming Project track will be treated as collector streets in the scoring and ranking process.
 - Fire Department rules about limitation of vertical devices on Priority One Emergency Response Routes shall be primary. However, for a street that is not a Priority One ERR, if it is a 25 mph minor arterial or collector street that has over 5,000 vpd and has an asphalt road width of at least 30 ft (or 32 ft if there is no sidewalk) it shall not have speed tables or speed humps as a general rule. Horizontal devices - such as chicanes (with a minimum 8 ft. deflection), circles or narrowings - may be considered, subject to bicycle safety considerations contained in this policy. Raised crosswalks could be used in specific crossing locations such as trail, park or school crossings. Any exceptions to this policy will be determined by the traffic engineer.

If these basic criteria are met, then the proposed street is studied and scored according to the criteria in Table 2.

Table 2 – Eligibility Criteria for Complex Traffic Calming Projects

Eligibility Criteria	Points	Basis for Point Assignment
For Minor Arterials only: Volumes	0 to 40	Measure of Vehicles Per Day (vpd): 0-2,000 vpd = 0 pts.; 2,001-4,000 vpd = 10 pts.; 4,001-6,000 vpd = 20 pts.; 6,001-10,000 = 30 pts.; over 10,000 vpd = 40 pts.
	OR	
For Collectors only: Volumes	0 to 40	Measure of Vehicles Per Day (vpd): 0-1,000 vpd = 0 pts.; 1,001-2,000 vpd = 10 pts.; 2,001-3,000 vpd = 20 pts.; 3,001-5,000 = 30 pts.; over 5,000 vpd = 40 pts.
	AND	
Speeds	0 to 40	Measure of Miles Per Hour by which the 85 th percentile speed exceeds the posted speed limit (mph): 0-5 mph = 0 pts.; 6-10 mph = 20 pts.; 11-15 mph = 30 pts.; over 15 mph = 40 pts.
Adjacent Residential Zoning	0 to 20	Percentage of land adjacent to the street which is residentially zoned (%): 0-50% = 0 pts.; 51%-75% = 10 pts.; above 75% = 20 pts.
Total Eligibility Points Possible	100	

A street must receive a minimum score of **60 points** in order to be eligible for a Complex Traffic Calming Project.

Ranking Criteria for All TCP Projects

Once a street is determined to be eligible for the TCP , it is ranked along with other eligible projects of its same type to determine the priority ranking of projects for the funding that is available. In addition to the points awarded to each project in the determination of eligibility, all projects can be awarded additional points in any of the categories listed in Table 3.²

Table 3 – Ranking Criteria for All TCP Projects

Ranking Criteria	Points	Basis for Point Assignment
Sidewalks	0 to 15	Points assigned for lack of existing continuous sidewalk along street: Existing on both sides = 0 pts.; Existing on one side = 5 pts.; Existing on no sides = 10 pts.; no sidewalks and no shoulder = 15 pts.
Pedestrian Facilities	0 to 15	5 points are assigned for each existing pedestrian facility along street, designated elementary school crossings and/or areas with observed pedestrian usage (Maximum 15 points).
Density of Adjacent Residential Zoning	0 to 10	Points assigned for density of adjacent residential zoning as follows: Majority of units less than R5 = 0 points; Majority of units at R5 = 5 points; Majority of units greater than R5 = 10 points. Tie of 2 categories results in 5 points.
Total Ranking Points Possible	40	

² Analysis of accident rates could be useful in determining the ranking of Complex Traffic Calming Projects, although the accident rate information currently available is not adequate for such analysis. Accident information will be reviewed in the Plan Development phase of all TCP projects.

A project is able to receive a maximum of 100 points in the eligibility phase and a maximum of 40 points in the ranking phase for a possible total of 140 points. Based upon the points assigned to each project through these two phases, the projects are ranked.

If more than one project of the same type receives the same number of eligibility and ranking points, those projects shall be prioritized according to the date that they were deemed eligible for the TCP .

If an eligible project is not sufficiently prioritized to receive funding in the year in which it is determined eligible, then ten additional points are added to its overall score in each subsequent year until it is prioritized for funding. A project can remain on the eligibility list for a maximum of four years awaiting prioritization for funding. After that it would be dropped from the TCP .

Plan Development

Local Street Projects that are prioritized move directly into the plan development process. Complex Traffic Calming Projects, however, often require identification of additional resources for their planning and implementation. When resources are identified for a priority Complex Traffic Calming Project, that project moves into the plan development process.

A Neighborhood Traffic Calming Plan for both types of projects consists of the following components:

- The assessment of the traffic-related problems and needs in the project area.
- The identification of the goals and objectives of the community in solving those problems.
- The development of alternative plans and solutions to be considered.
- The selection of the preferred plan solution.

If a project includes significant diversion of traffic because of the construction of physical barriers, the project area will be expanded to include a larger “affected area” for the project. What is considered a significant volume of traffic will be decided by the Citizen Traffic Committee with Traffic Engineering Division staff assistance. The affected area is also defined by the Citizen Traffic Committee and Traffic Engineering Division staff. The City Traffic Engineer shall make the final determination of the appropriate voting area for each traffic calming project.

Plan Development – Local Street Projects

- An initial open house is held in the neighborhood to discuss traffic-related concerns in the project area and possible solutions. Notice is given to property-owners and residents in the project area; to residents and businesses throughout the larger neighborhood; and to any other groups or institutions in the immediate area, including schools, churches and neighborhood associations. Notification of the initial meeting for

the project shall include large signs posted on the project street and newspaper advertisements to broaden the scope of people who are notified of the meeting.

- At this time, a Citizen Traffic Committee is formed for the project that will work with Traffic Engineering Division staff throughout the planning and implementation of the project.
- Next, staff and the Citizen Traffic Committee develop plan alternatives based on the studies that have been completed, the information that has been gathered from the neighborhood, and on sound engineering practices. The plan alternatives undergo review by several city departments.
- When the plan alternatives have been reviewed by the city, and revised as appropriate by the Citizen Traffic Committee and staff, a second community meeting is held for the community to review the alternatives and to decide upon a preferred plan.

Plan Development – Complex Traffic Calming Projects

- Because of the complex nature of the project, Traffic Engineering Division staff complete a series of traffic studies and analyses in the project area that goes beyond the studies done in the eligibility and ranking phase. This may include hydrological surveying of the area to determine any stormwater drainage issues on the site.
- An open house is then held in the neighborhood to present the information gathered and to discuss traffic-related concerns in the project area and possible solutions. Notice is given to property-owners and residents in the project area; to residents and businesses throughout the larger neighborhood; and to any other groups or institutions in the immediate area, including schools, churches, and neighborhood associations. Notification of the initial meeting for the project shall include large signs posted on the project street and newspaper advertisements to broaden the scope of people who are notified of the meeting. Complex projects may continue to have this type of notification for all project meetings.
- At this time, a Citizen Traffic Committee is formed for the project that will work with Traffic Engineering Division staff throughout the planning and implementation of the project.
- Staff and the Citizen Traffic Committee then develop plan alternatives based on the studies that have been completed, the information that has been gathered from the neighborhood, and on sound engineering practices. The plan alternatives undergo review by several city departments.
- When the plan alternatives have been reviewed by the city, and revised as appropriate by the Citizen Traffic Committee and staff, a second community meeting is held for review and comment on the proposed alternatives.

- Staff and the Citizen Traffic Committee further refine the plan alternatives. The revised plan alternatives may undergo additional review by various city departments depending on the nature of any changes to the plan alternatives.
- When the plan alternatives have been reviewed by the city, and revised as appropriate by the Citizen Traffic Committee and staff, a third public meeting is held for the community to review the alternatives and to decide upon a preferred plan.

The development of a plan for a Complex Traffic Calming Project may require hiring a consultant to assist with planning, design and implementation of the project. The complex project may require additional activities to involve the public throughout the larger area, additional traffic measurement and analyses, the development of iterative conceptual plans, the surveying of residents and businesses in the project area to measure support, and other activities related to the development of final plans and implementation.

Plan Approval, Appeals & Implementation

Plan Approval for All TCP Projects

A survey process is used as part of all TCP projects to measure the support of the traffic calming plan by project area residents and property owners. A description of the preferred traffic calming plan alternative and a survey are mailed to all residents and property owners in the project area.

The project area is defined by staff at the initiation of each project. For Local Street Projects the project area usually contains those properties along the subject street, and properties on all cross streets at a distance of one block (up to a max. of 500 ft.) from the subject street. For Complex Traffic Calming Projects the project area may include properties along the subject street(s) and along adjacent streets impacted by the project.

The City Traffic Engineer shall make the final determination of the appropriate voting area for each traffic calming project.

Each resident household and each property owner is allowed one response to the survey. A response time for the surveys to be returned is determined by Traffic Engineering Division staff and the Citizen Traffic Committee. The response time shall fall between three to six weeks from the date the survey is mailed. Final plan approval is contingent upon Traffic Engineering Division receiving back at least 67% of all of the surveys distributed showing support for the preferred plan alternative. This is required for Traffic Engineering Division to move ahead to plan implementation.

Although they do not receive a survey, the residential associations and City Council members in the area are notified about the preferred traffic calming plan alternative.

Appeals

A person residing or owning property within the ballot area may appeal the approval of a traffic calming plan to the Public Works Committee of the governing body. The appeal must be submitted to Traffic Engineering Division within 30 calendar days of the date of the letter from the City notifying ballot area residents of the approval. The decision of the Public Works Committee may be appealed by a person within the ballot area to the governing body. This appeal must be submitted to Traffic Engineering Division within 30 calendar days of the decision of the Public Works Committee. Notification of pending appeals and the results of all appeals shall be sent by the city to persons within the ballot area.

The purpose of the appeals process is to allow the discussion of the traffic calming plan to occur at the Public Works Committee and governing body levels, if issues related to the plan could not be resolved through the planning process. The appellant should indicate in their appeal the reason(s) that they believe that the decision that they are appealing is incorrect or inappropriate.

Similarly, a person residing or owning property within the ballot area may appeal the decision of residents to remove traffic calming devices. This appeal of the removal of traffic calming devices will also proceed to Public Works Committee and then to the governing body, if further appeal is desired. This appeal process also requires the appeal to be submitted within 30 days of notification, and requires statement of reasons for the appeal, as in the process outlined above.

Implementation – Local Street Projects

- If the survey process demonstrates adequate support for the preferred plan alternative, staff will proceed with implementation of the traffic calming plan.
- Plan approval by the city governing body is not required for implementation of Local Street Projects. However, all applicable policies and rules of the city must be followed in implementing the preferred plan.
- Implementation of a Local Street Project consists of installation of permanent devices on the subject street.
- Prior to installation, traffic studies will occur on streets in and around the project area to determine “before” conditions in the area, which will be compared to studies taken later in the evaluation phase.

Implementation – Complex Traffic Calming Projects

- If the survey process demonstrates adequate support for the preferred plan alternative for a Complex Traffic Calming Project, approval of the project by the city governing body may still be required to secure funding needed for implementation of the project. In addition, all applicable policies and rules of the city must be followed in implementing the solution.

- Approval is for either test installation (temporary devices) or final installation (permanent devices) in the project area depending on the process outlined in the traffic calming plan.
- Prior to installation, traffic studies will occur on streets in and around the project area to determine “before” conditions in the area, which will be compared to studies taken later in the evaluation phase.

Project Evaluation

For all projects, an evaluation of the traffic devices is to be performed six months to twelve months after installation. This evaluation will include appropriate studies, such as volume, speed, etc., on the subject street(s) to determine the effectiveness of the devices. A post-construction survey to all people within the ballot area shall occur three to six months after the complete installation of the project. The intent of the survey is to measure the level of satisfaction with the general design of the project, specific devices, perception of speed reduction, pedestrian safety, etc.

An important aspect of the evaluation of all TCP projects is related to the impact of unintended, rerouted traffic onto other neighborhood streets. It is important not to divert traffic from one local street to another. TCP Policy #4 states that “the amount of rerouted traffic that is acceptable will be defined on a project-by-project basis by the Citizen Traffic Committee for that project and city staff. Generally, adjacent local streets should not receive an increase of more than 250 vehicles per day or an increase in traffic greater than 50%, whichever is less.”

For all TCP projects, studies will be undertaken in and around the project area in the Project Evaluation phase to measure any impacts on the surrounding area. If staff determines that “after” conditions on other streets in the area show a high level of traffic diversion as a result of the traffic calming project, the city will explore methods for addressing those diversion problems. TCP Policy #4 states that “If adjacent streets receive higher than acceptable levels of rerouted traffic, additional studies will be undertaken by staff in order to consider possible mitigation of those impacts.”

Project Evaluation – Local Street Projects

- A survey of the residents and property-owners in the project area may be conducted by city staff after the evaluation period to determine if some aspect of the installation no longer meets the needs of a neighborhood. If 75% of the people surveyed agree that a device or devices no longer meet the needs of the neighborhood, staff will review the performance of these devices and will estimate the cost of mitigating, revising or removing these devices.

Project Evaluation – Complex Traffic Calming Projects

- Temporary traffic calming devices may be used to determine if permanent installation is warranted or if some adjustment to the temporary devices is needed.

- A public meeting may be held to discuss the effectiveness of the temporary devices with local citizens in order to determine public response to the devices. If this seems to indicate that the devices are meeting the goals of the neighborhood, as outlined in the traffic calming plan, some or all of the devices may be installed permanently.
- However, if this seems to indicate that the devices installed no longer meet the needs of the neighborhood, an additional survey process may occur. As above, this survey will be of residents and property-owners who were surveyed for initial approval of the traffic calming plan. If 75% of the people surveyed agree that a device or devices no longer meet the needs of the neighborhood, staff will review the performance of these devices and will estimate the cost of mitigating, revising or removing these devices.

V. TECHNIQUES

This section provides a “tool box” of traffic management and traffic calming techniques that are available for consideration and use.

Choose the Right Tools

Any job is made easier by using the right tools. In the management and calming of traffic, strategies and solutions are based on two fundamental ideas:

- Identification of the nature and extent of the traffic-related issues. This is important whether the situation is on a single street (comprising a Local Street Project) or relates to a larger neighborhood area (comprising a Complex Traffic Calming Project).
- Selection and implementation of cost-effective measures to solve the identified concerns utilizing input from the affected neighborhood. This should be done based on the use of sound engineering principles and the consideration of aesthetics.

Experience from other communities around the country has indicated that it is important to use a variety of traffic management techniques, and that the tools selected should be tailored to fit each situation.

Aesthetics

Aesthetics should be considered in the process of developing traffic management solutions. To be successful, traffic management and calming measures should achieve a balance between aesthetics and the objective of calming traffic as no program will succeed if it is not based on community support. It is the intent of this program to develop solutions where safety, speed control and aesthetics are mutually supportive.

Selection of Tools

Almost all traffic management techniques (tools) have some effect on both traffic volume and speed. However, it is evident that some tools used to calm traffic can have a greater or lesser effect than others in controlling either volume or speed. Also, some tools are more effective and desirable on local neighborhood streets and less desirable for complex traffic management applications on collectors, minor arterials, or emergency response routes.

Emphasis in this program will be given to the selection of tools which are self-enforcing – that is, those which are physical traffic management measures. These tools are designed to affect driver perception of the street or neighborhood and are designed to directly influence motorist behavior. Unlike traditional methods of traffic management, such as the use of stop signs or speed limit signs, physical traffic calming measures rely on physically modifying driver behavior in a neighborhood.

Diverting Traffic Intentionally to Other Streets

In selecting tools to be used on streets it is important to limit the potential detrimental effects of diverting excessive volumes of traffic from one local street to another, or from collector or minor arterial streets to local streets. The potential for the diversion of traffic is considered in the selection of tools for all neighborhood traffic calming projects.

Since neighborhood collectors, and in particular, minor arterials, are meant to serve as through streets, traffic calming projects for these situations are not primarily designed to decrease traffic volumes. Instead, emphasis is on reducing traffic speeds, enhancing pedestrian usage, and associated concerns.

Choosing Other Minor Arterial Streets

For Complex Traffic Calming Projects, while it is not expected that the primary result will be to divert traffic away from the project street, some decrease in traffic volumes may occur as a result of the project. For example, some drivers may prefer not to use the traffic calmed street after the devices are installed. One outcome may be that drivers may choose to use other arterial streets instead. This is an appropriate use of these arterials and represents an objective of the program since they are intended to serve through traffic.

Techniques for Local Street Projects

Speed Control Measures

Speed control measures are of three types: vertical measures, which use the forces of vertical acceleration to discourage speeding; horizontal measures, which use the forces of lateral acceleration to discourage speeding; and narrowings, which use a psycho-perceptive sense of enclosure to discourage speeding. Tables 4, 5, and 6 below summarize the measures and their effects.

Vertical Measures

Speed humps are rounded raised areas placed across the road (Figure 1). The standard speed hump used in the City of Santa Fe is 14 feet long and 3 inches high. Its design speed (speed at which the 85th percentile is estimated to be) is 18 to 23 mph. Usually these humps are constructed with a taper on each side to provide for drainage. In some locations it may be desirable to provide a space wide enough to accommodate bicycles but this may also encourage motorists to cross the hump with one wheel in the gutter and the other on the hump. Speed humps may be located on streets where gutters exist, but considerations must be given to pedestrians if sidewalks are not in place. If no curb and gutter is in place, then devices such as bollards may be placed on each side of the humps to discourage motorists from driving on the shoulders.

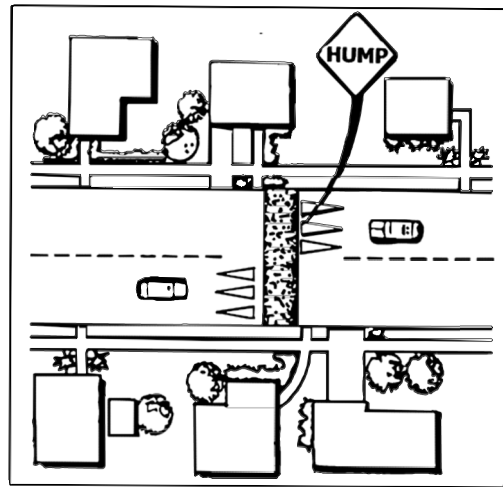


Figure 1 – Speed Hump

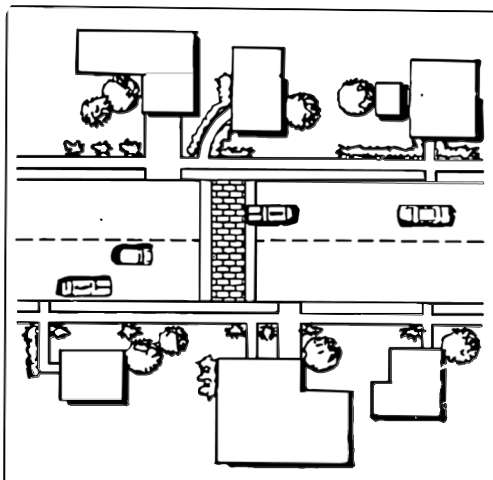


Figure 2 – Speed Table

Speed tables are flat-topped speed humps and can be constructed with brick or other textured materials on the flat section (Figure 2). These devices have the advantage of possibly being used to provide a pedestrian crossing and can be marked and placed at intersections or other pedestrian crossing locations. In this case they are called raised crosswalks. These devices are long enough for the entire wheelbase of a passenger car to rest on the top. The use of brick or other textured materials improves the appearance and tends to draw attention to them and may enhance safety and speed reductions. The standard speed table used in the city of Santa Fe is 22 feet long and 3 inches high. Its design speed is 25 to 30 mph.

In effect the device is less jarring than a speed hump and reduces higher operating speeds with out affecting the average driver. There is an alternate version of this device that may be used to calm traffic at an entire intersection called a raised intersection (Figure 3).

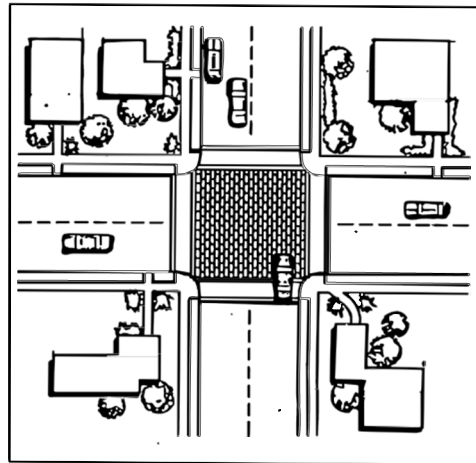


Figure 3 – Raised Intersection

Table 4 – Traffic Calming Tools for Local Street Projects
Speed Control Measures – Vertical

Traffic Calming Device	Speed Reduction	Volume Reduction	Noise And Pollution	Emergency Vehicle Access	Maintenance	Access Restrictions	Safety
Speed Humps	Yes	Traffic diversion possible	Increase	Some problems	Street cleaning difficult	None	Unclear
Speed Tables	Yes	Possible	Some Increase	May be acceptable/ not acceptable on Priority One Emergency Response Routes	Street cleaning difficult	None	Improved Ped Safety
Raised Intersection	Yes	Possible	Small Increase	Acceptable	Street cleaning difficult	None	Improved Ped Safety

Horizontal Measures

Horizontal measures achieve speed reduction by forcing drivers to drive around a device or to change direction, and by visually blocking long views of the road ahead.

Traffic circles are raised islands located at intersections around which traffic circulates (Figure 4). They are usually, though not always, circular in shape. A circle prevents drivers from speeding through an intersection by eliminating the straight through movement and forcing drivers to slow down to yield. Drivers must first turn to the right, then to the left as they pass the circle, and then back to the right again after clearing the circle. Large trucks can be accommodated by design modifications to the circle. Traffic circles are very effective in controlling vehicle speeds at an intersection – generally the design speed is 15 to 20 mph for passenger cars. At mid-block locations vehicles can speed up. The safety record is excellent as they generally reduce intersection-related accidents by up to 90 percent.

Chicanes are curb extensions that alternate from one side of the street to the other, forming S-shaped curves (Figures 5 and 6). They can prevent speeding by causing a change in direction of drivers and are speed control devices that are used in mid-block areas.

Chicanes should have adequate horizontal deflection to be effective. The horizontal deflection should be equal to the travel lane width on the project street. At a minimum, the horizontal deflection should equal eight feet. Also, chicanes must be designed to allow the safe passage of bicyclists through the chicane.

Lateral Shifts are curb extensions on otherwise straight streets that cause travel lanes to bend one way and then back to the other way to the original direction of travel (Figure 7). These devices can be used in conjunction with the creation of parking areas on streets. The design speed of this device is based on how much the street is bent and reductions in speeds can be quite significant.

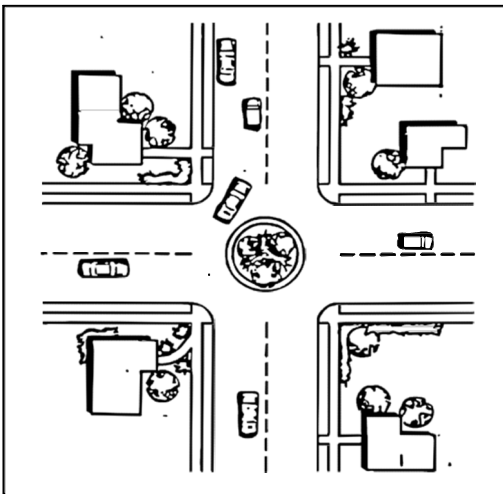


Figure 4 – Traffic Circle

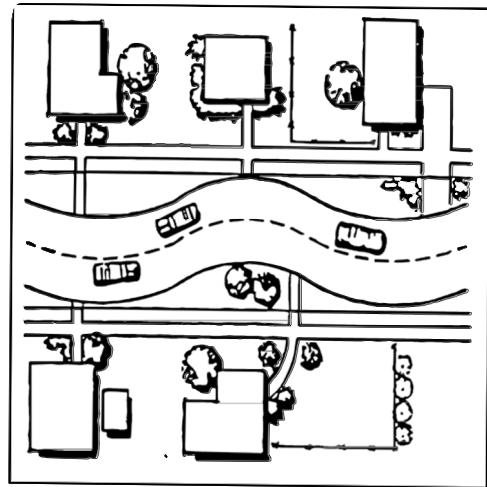


Figure 5 – Chicane

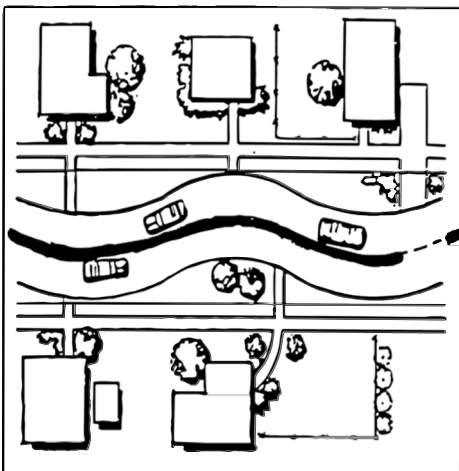


Figure 6 – Chicane with Center Island

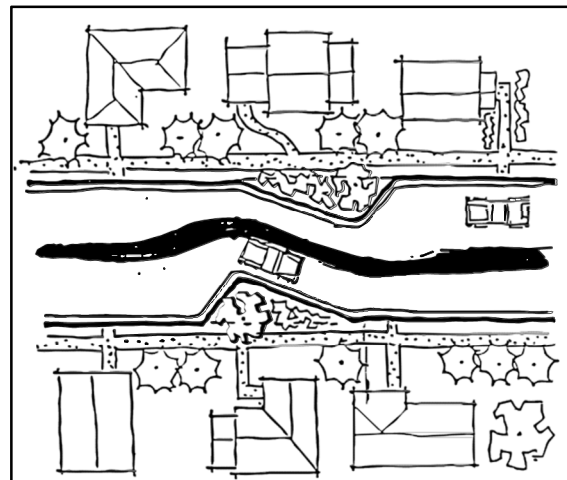


Figure 7 – Lateral Shift with Center Island

**Table 5 – Traffic Calming for Local Street Projects
Speed Control Measures – Horizontal**

Traffic Calming Device	Speed Reduction	Volume Reduction	Noise And Pollution	Emergency Vehicle Access	Bicycle Safety	Maintenance	Access Restrictions	Safety
Traffic Circles	Yes, within intersection	Possible	Some increase	Some limitations	Possible Restrictions (see para.	Vandalism	None	Improved
Chicanes	Possible	Possible	Possible pollution increase	Possible problems	Possible Restrictions (see para.	None	None	Possible improvement
Chicanes w/Center Island	Yes	Possible	Possible pollution increase	Possible problems	Possible Restrictions (see para.	None	None	Possible improvement
Lateral Shifts w/Center Islands	Yes	Possible	Small increase	Possible problems	Possible Restrictions (see para. 19 under policies)	None	None	Possible improvement

Narrowings

Narrowing is usually accomplished by placing vertical elements in the roadway, and is intended to draw attention to a constriction in the road and to have a visual affect on drivers. For example, the roadway could be narrowed, and plantings or street furniture could be placed in the right-of-way. Neckdowns (bulbouts) are curb extensions at intersections that reduce the roadway width (Figure 8). If coupled with crosswalks they are called safe crosses. The main objective of this device is to “pedestrian-ize” intersections by shortening the crossing distance and to reduce the speed of turning vehicles.

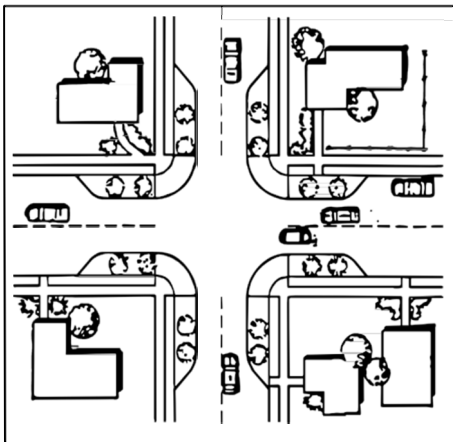


Figure 8 - Bulbouts

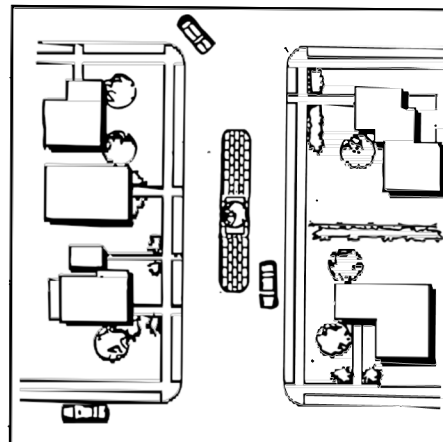


Figure 9 – Center Island Narrowings

Center island narrowings are raised islands located in the center of a street that narrow the travel lanes at that location (Figure 9). They can be attractively landscaped and are successful in providing a visual amenity and a neighborhood identity. If used at the entrance to a neighborhood and supplemented with textured pavement and monument signs they are called gateways (Figure 10). Centered islands have been effectively used on curves where speeding is a concern. They eliminate the possibility of drivers swinging wide to speed through curves. Like other narrowings, these devices can help to pedestrianize streets as they provide a refuge area for pedestrians in the center of the street.

Chokers are curb extensions at mid-block that narrow a street by widening the sidewalk or planting strip (Figures 11 and 12). Chokers should generally be placed to provide a minimum of two traffic lanes, since if only one lane is provided opposing traffic will compete for space or right of way.

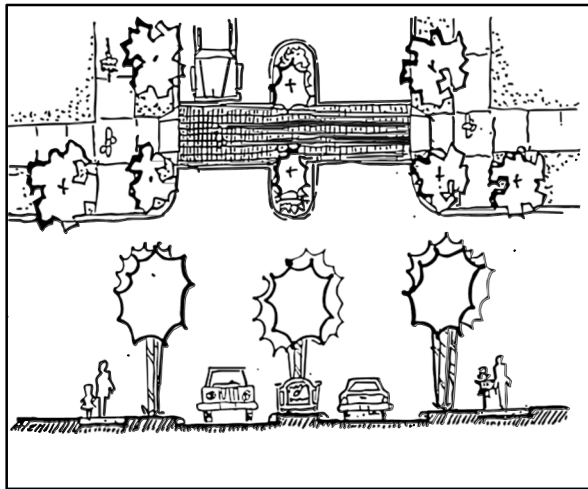


Figure 10 - Gateways

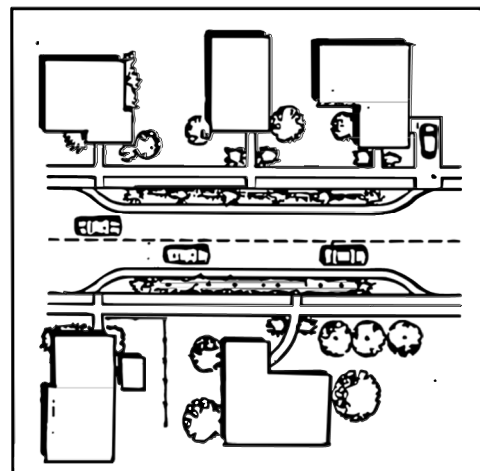


Figure 11 - Chokers

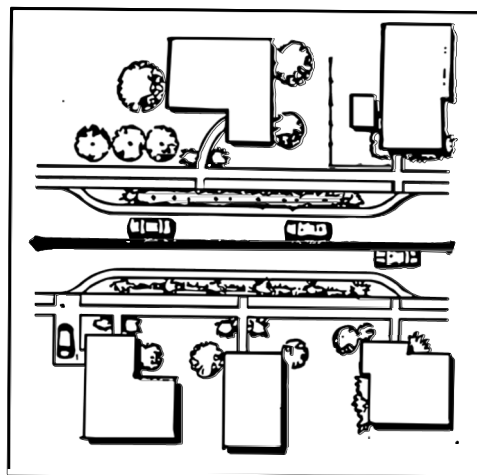


Figure 12 - Chokers with Center Island

**Table 6 – Traffic Calming Tools for Local Street Projects
Speed Control Measures – Narrowings**

Traffic Calming Device	Speed Reduction	Volume Reduction	Noise And Pollution	Emergency Vehicle Access	Bicyclist Safety	Maintenance	Access Restrictions	Safety
Bulbouts	Yes, turning speeds reduced	No effect	No effect	Some limitation	Possible Restrictions (see para. 19 under "Policies")	None	None	Improved Ped Safety
Center Island Narrowings	Yes, possible on curves or turns	Not likely	No effect	Some limitation	Possible Restrictions (see para. 19 under "Policies")	None	None	Improved Ped Safety
Gateways	Possible	Mixed	No effect	Possible problems	Possible Restrictions (see para. 19 under "Policies")	None	None	Possible Improvement
		Results						
Chokers	Possible, minor	Possible	No effect	No effect	Possible Restrictions (see para. 19 under "Policies")	Trucks hit curbs	None	Improved Ped Safety

Volume Control Measures

Table 7, entitled Traffic Calming Tools of Local Street Projects, Volume Control Measures, summarizes the measures and their effects.

Full street closures are barriers placed across a street to close the street completely to through traffic, usually leaving sidewalks or bicycle paths open (Figures 13 and 14). The barriers may consist of landscaped islands, walls, side-by-side bollards, or any other obstructions that leave an opening smaller than the width of a passenger car. These devices are a possible solution for cut-through traffic but are very controversial. The main concerns are the effect of the closures on emergency response, street network connectivity and that parallel streets may receive diverted traffic. This device is considered as a last resort if all other devices have failed.

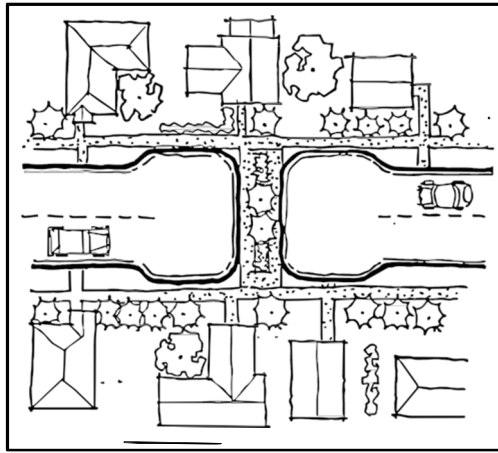


Figure 13 – Full Street Closure at Mid-Block

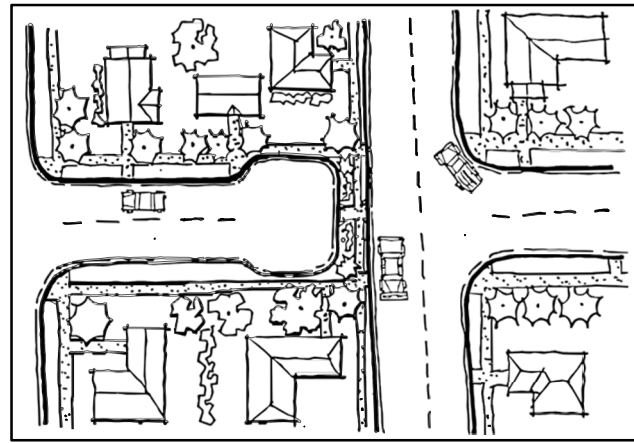


Figure 14 – Full Street Closure at Intersection

Half closures are barriers that block travel in one direction for a short distance on otherwise two-way streets (Figures 15 and 16). If used at an intersection (two are placed together) the result is a semi-diverter. These devices are typically used in gridded streets to make traffic more circuitous rather than direct.

Diagonal divertors are barriers placed diagonally across an intersection, blocking through movement (Figures 17 and 18). These are designed to create circuitous routes through neighborhoods. As with the full street closure, there are concerns with the effect of the closures on emergency response, street network connectivity and traffic diversion.

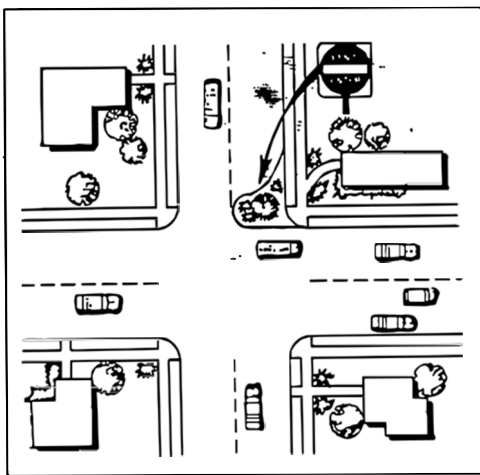


Figure 15 – Half Street Closure, One Side of Intersection

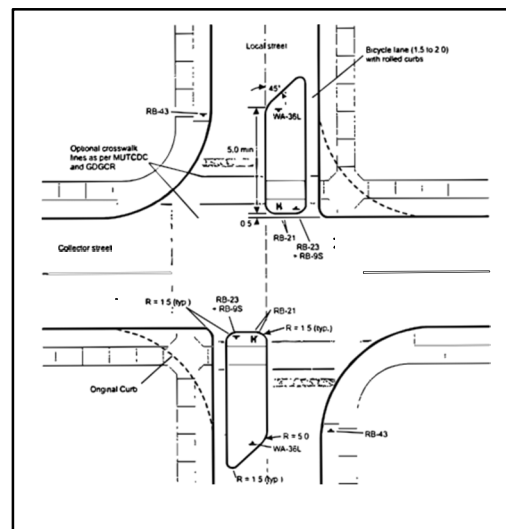


Figure 16 – Half Street Closure, Both Sides of Intersection with Bicycle Access (Canadian)

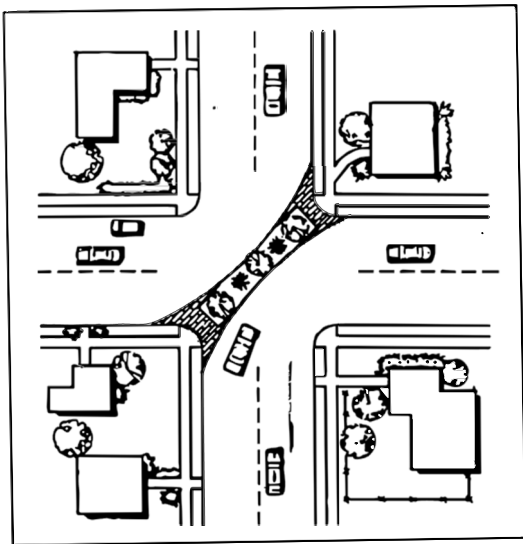


Figure 17 – Diagonal Diverter

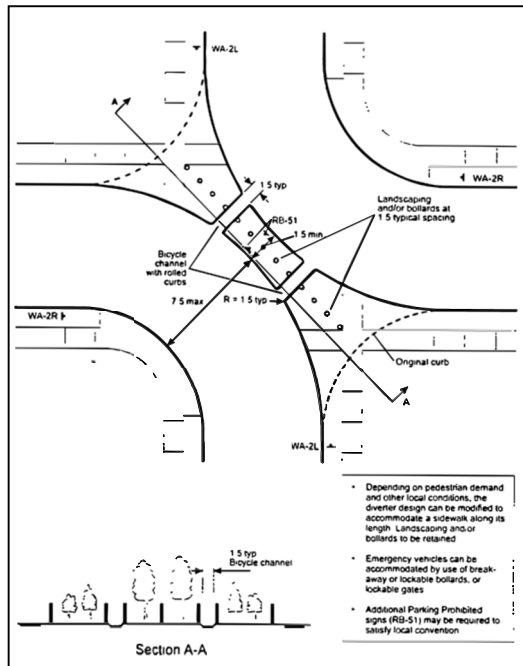


Figure 18 – Diagonal Diverter with Bicycle Access (Canadian)

Median barriers are raised islands located in the center of a street and continuing through an intersection so as to block through movements and left-hand turns at a cross street (Figures 19 and 20). Forced turn islands are raised islands that block certain movements on approaches to an intersection (Figure 21).

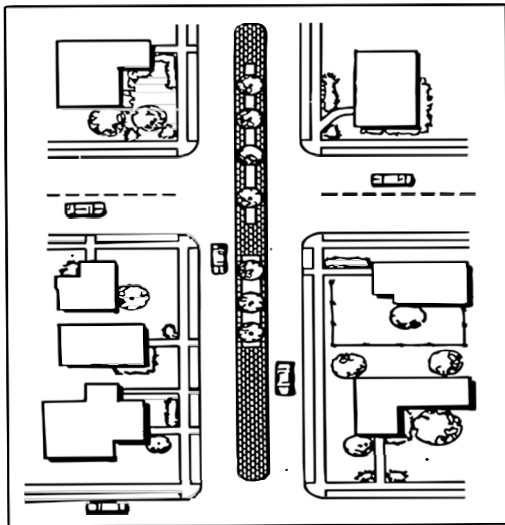


Figure 19 – Median Barrier

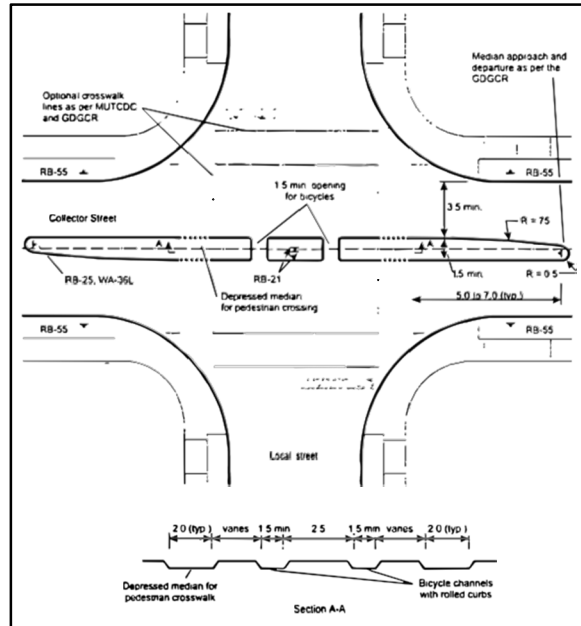


Figure 20 – Median Barrier with Bicycle and Pedestrian Access Improvements (Canadian)

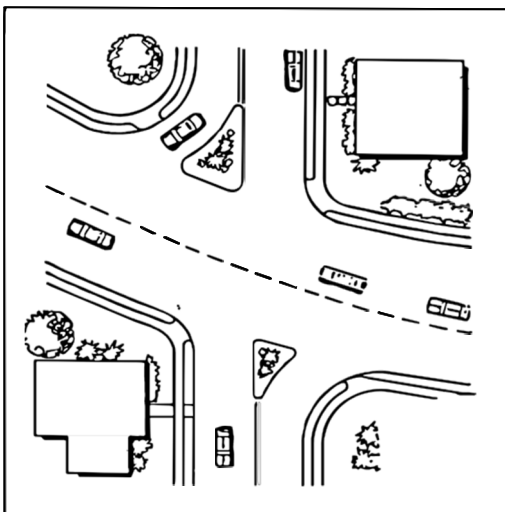


Figure 21 – Forced Turn Islands

These volume control devices should be used with caution and only after the situation has been thoroughly studied. In almost all cases, it is necessary to test these devices on a temporary basis in the field before final implementation. This is because of concerns with traffic being diverted from streets that are calmed to parallel streets that are not.

**Table 7 – Traffic Calming Tools for Local Street Projects
Volume Control Measures**

Traffic Calming Device	Speed Reduction	Volume Reduction	Noise And Pollution	Emergency Vehicle Access	Bicycle Safety	Maintenance	Access Restrictions	Safety
Full Street Closures	Possible	Yes	Decrease	Possible problems	Consider accommodations for bicycle access	Possible problems, vandalism	All non-local traffic diverted to other streets	Possible, may shift accidents
Half Street Closures	Possible	Yes	Small increase	No effect	Consider accommodations for bicycle access	None	One direction, left/right turn only	Improved pedestrian safety, may shift accidents
Diagonal Diverters	Likely	Yes	Decrease	Possible problems	Consider accommodations for bicycle access	Vandalism	Through traffic eliminated	Possible improvement
Median Barriers	None	Yes	Decrease	Minor limitation	Consider accommodations for bicycle access	None	Right turn only	Improved
Forced Turn Islands	Possibly	Yes	Decrease	Possible limitation	No Restrictions	Vandalism	Right turns only	Improved

Techniques for Complex Traffic Calming Projects

The traffic calming tools described for Local Street Projects were, for the most part, intended for local neighborhood streets that have primarily residential frontage and that are not designated as Emergency Response Routes. This section addresses all other streets that might be eligible for consideration as a Traffic Calming Project. This includes projects that might deal with complex traffic calming issues, such as treatment of a system of streets, emergency response routes, areas with complex access and pedestrian issues, or instances where significant diversion of traffic may occur.

Neighborhood collectors are intended to distribute traffic between more principal streets and local streets in the neighborhood. In other words, they are commonly called “through streets” – at least for a limited distance of generally at least ½ mile to no more than 1 mile in length. The streets may also serve multiple purposes, including carrying emergency response routes, buses, bicycles, and possibly trucks.

Minor arterials are meant to serve as through streets, and to interconnect with and augment the principal arterial system. Trips on these streets may be longer in nature than collectors, but are shorter than what should normally be carried on principal arterials.

Whether by design or as a result of growth, minor arterials and some collectors may carry a large number of vehicles through residential areas. When this occurs, the result can be a call by residents for traffic management or traffic calming to restore or improve their quality of life and mitigate the effects of unreasonable through traffic. These situations are more difficult to resolve and are typically controversial in nature.

Traffic calming of residential collectors and minor arterials has been relatively common in Europe for over a decade, but not very common in the United States. The tools discussed in this section are primarily drawn from European experiences and are based on the goal of enhancing the livability of neighborhoods with the primary objective of promoting pleasant conditions for users of neighborhoods, especially pedestrians. As indicated above, collectors and minor arterials do serve a function of carrying varying amounts of traffic. Based again on the European experience, the TCP program objective of reducing the average speeds of traffic on neighborhood streets will be of major importance.

As indicated above, devices selected cannot intentionally divert traffic away from project streets into inappropriate areas. For example, a complex street project should not divert traffic to an adjacent local neighborhood street, placing an unacceptable burden on that street. For Complex Traffic Calming Projects, while it is not expected that the primary result will be to intentionally divert traffic away from the project street, some decrease in traffic volumes will likely occur as a result of the project. For example, some drivers may prefer not to use the traffic calmed street after the devices are installed since higher speeds will not be possible.

Selection of Appropriate Measures

Selection of traffic calming measures for complex street projects will be based on the type of street and its functional class. As indicated above, the consideration of functional class in selecting measures attempts to strike a balance between mobility and other objectives such as compatibility with land use, and pedestrian/bicycle friendliness. For sub collector streets, mobility (the design speed of the street) may not be as crucial as other objectives. For minor arterials, with multiple lanes in each direction, the reverse is true. For streets which are designated emergency response routes and transit routes, providing for mobility is a concern that needs to be addressed.

General Considerations

The TCP program objective of reducing the average speeds of traffic on neighborhood streets will also be of major importance on collectors or minor arterials treated as a complex project. The primary measure used to determine the type of control and the spacing of devices will be the selection of an appropriate design speed. Table 8, entitled Santa Fe Speed/Priority of Classification of Roads for Traffic Calming, illustrates the design speed concept. For purposes of traffic calming, the design speed should be the same as the posted speed limit as this is what is appropriate based on the conditions of the street and environment.

Table 8 – Santa Fe Speed/Priority of Classification of Roads for Traffic Calming

Class	Type of Classification	Design Speed
Mixed Priority – Priority is shared between living and traffic functions	Collector	25 mph
	Minor Arterial	25 mph
Traffic Street – Major access and through routes, traffic function takes priority but vulnerable road users must be protected	Collector	30 mph
	Minor Arterial	30 mph

Selection of Measures and Spacing

Once the design speed and the class of road are selected, traffic calming measures (sometimes called slow points) and the spacing of devices can be selected. Table 9 shows guidelines for the spacing of slow points.

Table 9 – Spacing of Traffic Calming Devices (Slow Points) for Different Speeds

Desired Speed (mph)	Distance between Slow Points
30	450
25	300
20	225

Examples of traffic calming measures are shown below. The measures used are primarily related to four categories of tools which are: pre-warnings, lateral shifts (discussed in the section for Local Street Projects), speed tables which can also be at intersections in the form of raised intersections (discussed in the section for Local Street Projects), and a technique called "reallocation of right of way".

Pre-warning techniques include the use of gateways, traffic circles at intersections, and the use of appropriate street edge treatments. Table 10, entitled Traffic Calming Tools of Complex Street Projects, Pre-Warning Devices, summarizes the measures and under what circumstances they should be utilized.

**Table 10 – Traffic Calming Tools for Complex Street Projects
Pre-Warning Devices**

Traffic Calming Device	Street Classification	Design Speed	
		25 mph	30 mph
Gateways	Collector Minor Arterial	Yes	Yes
Traffic Circles	Collector Minor Arterial	Yes	No
Street Edge Treatments	Collector Minor Arterial	Yes	Yes
Roundabouts	Minor Arterial	No	Yes

Gateways are devices that are used to signal to drivers that there is change in the environment ahead (both neighborhood and road). This can take the form of many things, including structures mounted in center islands, plantings, or a treatment that is distinctive but is safely placed. Again, pre-warnings have proven to be successful in providing warning for traffic calmed areas and have been shown to affect driver behavior as they proceed into the neighborhood.

Roundabouts (Figure 22) and traffic circles can serve as gateways or be placed intermittently at intersections as speed control measures. With landscaped center islands, they can introduce a change from a business area to neighborhood and serve as both physical and psychological dividers.

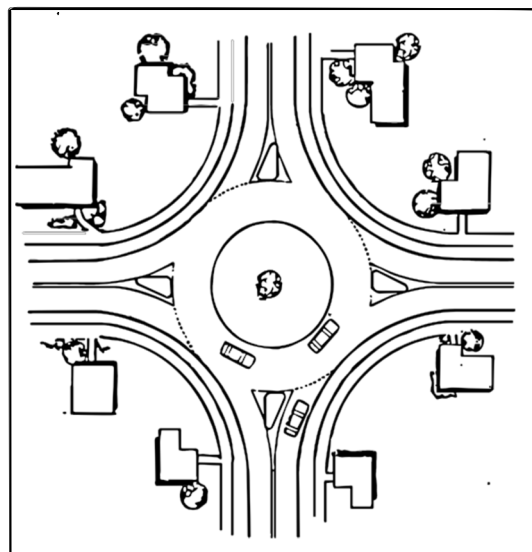


Figure 22 - Roundabout

Table 11, entitled Traffic Calming Tools of Complex Street Projects, Speed Tables and Lateral Shifts, summarizes these measures and when they should be utilized.

**Table 11 – Traffic Calming Devices for Complex Street Projects
Speed Tables and Lateral Shifts**

Traffic Calming Device	Street Classification	Design Speed	
		25 mph	30 mph
Speed Table	Collector Minor Arterial (X)	Yes	Yes (X)
Raised Intersection	Collector Minor Arterial (X)	Yes	Yes (X)
Chicane	Collector Minor Arterial	Yes	Yes
Chicane w/Center Island	Collector Minor Arterial	Yes	Yes
Lateral Shifts w/Center Island	Collector	Yes	No
Chokers	Collector Minor Arterial (X)	Yes (X)	No

(X) – To be used in special cases with approval of Engineering Division.

Reallocation of Right-of-Way

The technique of reallocation of right-of-way achieves speed control by redistributing space within the roadway right of way by giving motor vehicles lower priority and alternative modes a more equal or increased priority. Typically, this can include the reduction of pavement width to provide for easier pedestrian access at intersections or for a more pedestrian oriented street, the addition of bike lanes, the reduction of travel lane width, the addition of on-street parking (Figure 23), or the deflection of the roadway by a change in direction with possibly the addition of center islands. In the process of reallocation, one objective is to change the character of a road in ways that attempt to cause the motorist to drive more slowly and with greater alertness to potential conflicts.

Sometimes, the effects or changes are as much psychological as physical because the motorists perceive that the road is no longer exclusively motor vehicle oriented. Table 12, entitled Traffic Calming Tools of Complex Street Projects, Reallocation of Right of Way, summarizes these measures and under what circumstances they should be utilized.

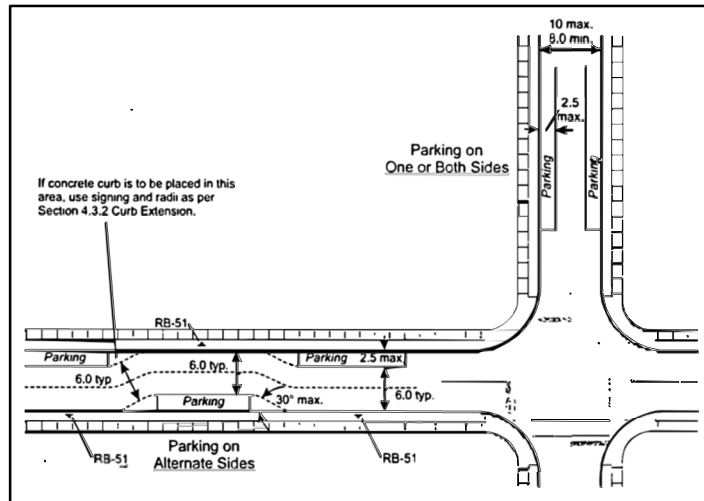


Figure 23 – Addition or Shift of On-Street Parking

Street edge treatments can be particularly important in higher classification streets such as minor arterials, where other treatments might not be appropriate. These treatments are intended to provide a safe and pleasant environment for pedestrians and can provide a calmer environment for drivers. This includes the use of trees, which change the character of a street, reduce noise, provide shade, and reduce the optical width of a street.

In some cases, the techniques described above can be combined in traffic calming plans (Figure 24). Physically and as well as psychologically, this combination can result in improved driver behavior.

It should be noted, however, that the use of bulbouts and other horizontal devices is subject to certain considerations for bicyclists which are described in paragraph 19 in section II above under the heading "Policies".

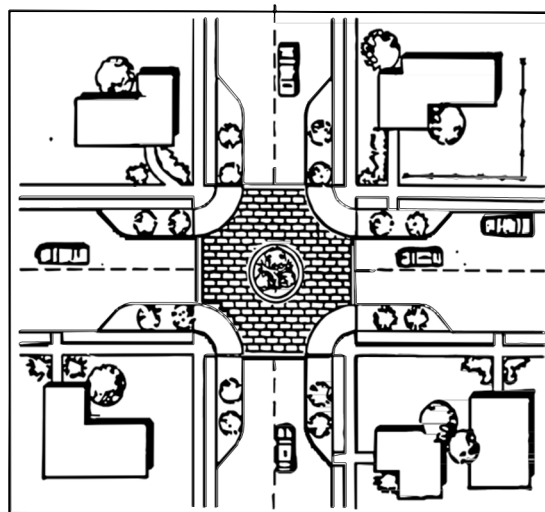


Figure 24 – Combined Measures: Bulbouts, Traffic Circle, Reduction of Lane Width, and Street Edge Treatments

Table 12 – Traffic Calming Devices for Complex Street Projects
Reallocation of Right of Way

Traffic Calming Device	Street Classification	Design Speed	
		25 mph	30 mph
Bulbouts	Collector Minor Arterial	Yes	Yes
Center Island Narrowings	Collector Minor Arterial	Yes	Yes
Bike Lanes	Collector Minor Arterial	Yes	Yes
Reduction Lane Width	Collector Minor Arterial	Yes	Yes
Addition of Parking	Collector Minor Arterial	Yes	Yes (X)
Street Edge Treatments	Collector Minor Arterial	Yes	Yes

(X) – To be used in special cases with approval of Engineering Division.

VI. APPLICATION FORMS



TRAFFIC CALMING PROJECT APPLICATION FORM

PROJECT STREET(S)

Date of Application

Emergency Response Route? Y N

(see Map, Appendix C, Traffic Calming Program)

Functional Road Class? Local Collector Minor Arterial

(see Map, Appendix B, Traffic Calming Program)

APPLICANT (include individual contact information)

Name
Neighborhood name (if applicable)
Address
Phone #s
Fax #
Email

DESCRIPTION OF PROJECT LOCATION

DESCRIPTION OF TRAFFIC ISSUE

Attach additional information or maps if necessary.

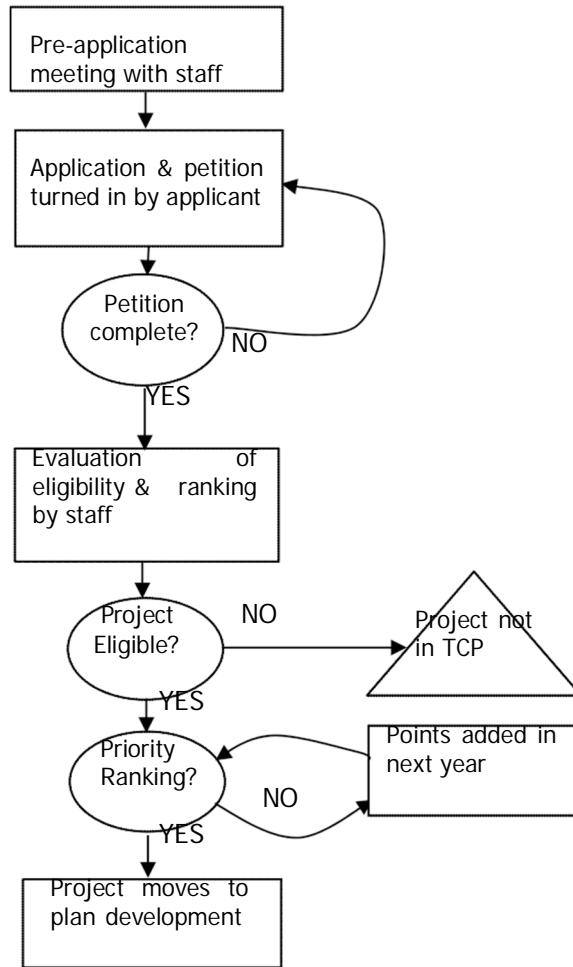
For Office Use	
Date Submitted:	Tk 1 <input type="checkbox"/> Tk 2 <input type="checkbox"/> Petition Included <input type="checkbox"/> Application Complete <input type="checkbox"/>
Project #	
Date Surveyed:	Eligibility:

How does a neighborhood start a Traffic Calming Program (TCP) project?

Anyone living or owning property in a neighborhood can apply for a TCP project for a local, collector, or minor arterial streets within that area.

- **First step:** talk to City Traffic Engineering Division staff to discuss the project area and the TCP process, including the initial petition signatures that the applicant must gather.
- **Second step:** the applicant circulates a petition in the project area to show at least 30% of residents and property-owners support initiation of a traffic calming project. The applicant obtains the necessary signatures, completes the application, and turns everything in to Traffic Engineering Division.
- **Third step:** the eligibility and ranking of the project is determined by City Transportation Engineering staff. Traffic studies are done to determine if the project meets minimum eligibility requirements for inclusion in the program. If a project is eligible, more studies are done to determine the ranking of the project in relation to other eligible projects. If the project is ranked as a priority it moves into the plan development phase, which requires further involvement of neighborhood owners and residents.

For more detailed information on how to start a traffic calming project; eligibility and ranking criteria; the plan development process; citizen involvement; and many other topics please refer to the City's Traffic Calming Program manual.



For more information on the City of Santa Fe Traffic Calming Program, contact Engineering Division at 955-6631.

CITY OF SANTA FE TRAFFIC CALMING PROGRAM

PETITION TO SUPPORT TRAFFIC CALMING ON:

 We, the undersigned, who are residents of the proposed project area support the initiation of a study to look at the management and calming of traffic on _____
 in the _____ neighborhood.

NAME		ADDRESS	PHONE & EMAIL	DATE
(Signed)	(Printed)			
1)				
2)				
3)				
4)				
5)				
6)				
7)				
8)				
9)				
10)				
11)				
12)				
13)				
14)				
15)				
16)				

Petition Signatures collected by: _____ Date: _____

II. APPENDICES

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