

CHAPTER 70: TRAFFIC CODE

Section

Speed Hump Policy

- 70.01 Purpose
- 70.02 Definition of speed humps
- 70.03 Engineering criteria
- 70.04 Operational criteria
- 70.05 Geometric criteria
- 70.06 Other criteria
- 70.07 Neighborhood support
- 70.08 Prioritization and implementation
- 70.09 Exceptions
- 70.10 Installation procedure

Engine Retarders

- 70.25 Purpose
- 70.26 Definition
- 70.27 Prohibition; engine retarder
- 70.28 Sign posting
- 70.29 Severability
- 70.30 Enforcing entity
- 70.31 Effective date

North Rio Del Oro Road Truck Traffic Restriction

- 70.45 Findings and intent
- 70.46 Short title
- 70.47 Definitions
- 70.48 General provision and offense
- 70.49 Permitting process
- 70.50 Obligations of Valencia County
- 70.51 Enforcement
- 70.52 Immunity

- 70.99 Penalty

SPEED HUMP POLICY

§ 70.01 PURPOSE.

Reducing excessive speeds on residential streets is an important objective in ensuring the safety of pedestrians, cyclists,

animals, and vehicles in neighborhoods, and in creating a calmer and more livable environment. Methods for discouraging speeding include enforcement, education, and engineering efforts. While police enforcement remains the most effective means of dealing with speeding, limited resources prevent officers from covering all of the problem locations at all times. In response to this concern, Valencia County has developed this policy which addresses engineering efforts, specifically the use of speed humps, as a "traffic calming" technique for retrofit use in existing neighborhoods. Many drivers ignore statutory and posted speed limits and, if the design of the road will allow them to do so, will drive at speeds exceeding those which suit the conditions prevailing in residential areas. Various physical devices have been developed to discourage this behavior; one of these devices is the speed hump.

(Ord. 2000-01, passed 5-1-2000)

§ 70.02 DEFINITION OF SPEED HUMPS.

(A) **SPEED HUMPS** are generally 3-inch high, flat topped or cylindrical raised sections of pavement, typically 12 to 22 feet in length in the direction of travel. The ends of a speed hump are tapered to be flush with the street at the curb and gutter to allow water to drain. Speed humps are spaced roughly 250 to 750 feet apart, and have been proven to work by creating a vertical displacement of the vehicles traversing them. It should be noted that speed humps are not the typical speed "bump" frequently seen in parking lots.

(B) Installation of speed humps must strictly adhere to approved designs. A typical flat-top profile speed hump design is shown in Figure 1. Flat-top speed humps have been used successfully to diminish speeds on roads with high volumes. A typical cylindrical or Watt's Profile speed hump design is shown in Figure 2. Watt's Profile speed humps are generally limited for use on roadways with volumes no greater than 3,000 vehicles per day (vpd). In addition, advance warning signs must always be used in conjunction with speed humps; appropriate signing for flat-top speed humps is shown in Figure 1, while the typical signing for the Watt's Profile humps is shown Figure 2.

(Ord. 2000-01, passed 5-1-2000)

[Figure 1](#)

[Flat-Top Profile](#)

[Figure 2](#)

[Watt's Profile](#)

§ 70.03 ENGINEERING CRITERIA.

(A) Alternative traffic management strategies should always be pursued before the decision is made to install speed humps.

(B) These strategies include:

(1) Reviewing, establishing, and/or revising and enforcing general laws and ordinances pertaining to speed limits and other traffic control management items;

(2) Educating residents and neighborhood groups so they can better understand causes of traffic problems, potential solutions to these problems, and the advantages and disadvantages of implementing different solutions; and

(3) Installing specific regulatory, warning, and guide message signs or other traffic control devices.

(C) Speed humps are an effective and appropriate device for safely reducing vehicle speeds on certain types of streets when all of these other speed control alternatives have been investigated and determined to be ineffective. In order for speed hump installations to be effective, they should be located selectively in accordance with defined transportation engineering criteria. Proper installation will also minimize driver frustration and encourage safe driving practices.

(D) If a location fails to meet any of the criteria in §§70.04 through 70.06, the placement of speed humps should not be recommended.

(Ord. 2000-01, passed 5-1-2000)

§ 70.04 OPERATIONAL CRITERIA.

(A) The functional classification of the roadway is a local or major local street.

(B) Average weekly daily traffic (AWDT) volumes on the roadway segment are less than 3,000 vpd.

(C) The posted speed limit of the roadway segment is 30 mph or less.

(D) The 85th percentile speed measured on the roadway segment exceeds the posted speed limit by 10 mph or more. This criterion may be waived for dead-end streets.

(E) The roadway segment is fronted by primarily (more than 50%) residential land uses.

(Ord. 2000-01, passed 5-1-2000)

§ 70.05 GEOMETRIC CRITERIA.

- (A) The roadway has a vertical grade of 8% or less.
- (B) The roadway segment is paved.
- (C) The roadway segment has only 1 moving lane of traffic in each direction.
- (D) The section length is greater than or equal to 2 blocks or 1,200 feet.
- (E) The width of the street is greater than 18 feet.

(Ord. 2000-01, passed 5-1-2000)

§ 70.06 OTHER CRITERIA.

The following general conditions should also be considered when locating speed humps:

- (A) Motorists should have adequate sight distance to react to speed humps.
- (B) Speed humps should not be placed over manholes, gate valves, utility vault accesses or other similar features.
- (C) If a drainage inlet is near where a speed hump would be placed according to the general spacing criteria, an attempt should be made to locate the hump just downstream of the inlet.
- (D) Speed humps should be placed to take advantage of existing street lighting.
- (E) Speed humps should not be placed in front of driveways.
- (F) Speed humps should be placed at property lines, if possible, rather than directly in front of a residence.
- (G) Speed humps are placed perpendicular to the direction of travel.
- (H) Speed humps should not be placed within an intersection.
- (I) Speed humps should not be placed within a horizontal curve.
- (J) When curbs are not present, alternate means should be provided to discourage motorists from driving around the speed hump (Figure 3).

(Ord. 2000-01, passed 5-1-2000)

[Figure 3](#)

[Alternative Speed Hump Design](#)

§ 70.07 NEIGHBORHOOD SUPPORT.

(A) Property owners on the roadway segment must be in concurrence with the placement of the speed hump(s) and will be allowed 1 vote of record. Concurrence will be indicated by the signing of a petition to the Valencia County designee. The formula for calculating the percentage required for petition acceptance is: *Percent of lot owners supporting the placement of speed humps in the petition area = 75 — (.25(percent absentee lot owners in petition area))*. The petition will clearly state that those signing the petition would accept all warning signs and restricted parking associated with the placement of the speed hump(s).

(B) Prior notification and written comments must also be obtained from local fire, rescue, and police departments as well as from transit providers and the transportation provider for the local public schools.

(Ord. 2000-01, passed 5-1-2000)

§ 70.08 PRIORITIZATION AND IMPLEMENTATION.

(A) Valencia County will prioritize pending projects on a fiscal year basis by assigning points to each project. Projects will be scheduled for detailed design and implementation based on their point scores and the capital improvement funds available for the fiscal year.

(B) Points will be assigned as follows:

(1) *Speed*. Two points will be assigned for every 1 mph that the 85th percentile speed is above the speed limit for the roadway.

(2) *Pedestrian activity and facilities*. Ten points will be assigned if the street has no sidewalks; 5 points will be assigned if the street has sidewalks on only 1 side or has discontinuous sidewalks. In addition, 10 points will be assigned for each

pedestrian generator along the roadway section, for instance, a school playground, or park, and 5 points will be assigned if the street is designated as an on-road bike route.

(3) *Street width*. Five points will be assigned if the combination of street width and parking characteristic results in areas of single lane, alternating flow.

(C) The street yielding the highest numerical point score will be considered to have the highest priority. The street with the earliest application date will have the highest priority among streets with the same point score.

(D) When a budgeted amount for speed humps has been approved, the county will, starting at the top of the ranking list and proceeding in descending order, determine which installations will be funded from the budgeted amount. Representatives of the applicants for all approved speed hump installations will be notified of which requests have been funded for the upcoming fiscal year.

(E) As funding allows, preference shall be given to those roads qualifying for speed humps for which other improvements are already planned to be constructed.

(Ord. 2000-01, passed 5-1-2000)

§ 70.09 EXCEPTIONS.

On roadways which are classified as collectors, an exception may be granted to allow for speed humps if the traffic volume on the roadway is less than 3,000 vpd. The procedure for installation shall remain the same as outlined in this policy. Each case will be reviewed individually and a determination will be made based on consideration of adjacent land uses, function in the transportation system and safety. In all cases, should speed humps be installed, the speed humps will be removed when the roadway volume exceeds 3,000 vpd.

(Ord. 2000-01, passed 5-1-2000)

§ 70.10 INSTALLATION PROCEDURE.

(A) The initial request for the installation of speed humps must originate from an owner of property on the candidate street. A request in writing from the owner or his or her representative must be forwarded to Valencia County.

(B) A preliminary determination of eligibility based on available traffic data will be made in a timely manner. Eligibility will be determined using the preliminary evaluation form shown as Exhibit 1.

(1) If the roadway segment is determined not be eligible, the applicant(s) will be notified in writing, with the reason(s) for rejection being given.

(2) If the street is determined to be eligible for consideration, a meeting will be arranged between the applicant(s) and Valencia County staff to define the petition area and the approximate speed hump location range. The applicant(s) will then be instructed to submit a petition indicating that a minimum percentage of the property owners in the petition area (per formula in § 70.07) support the installation of speed humps as provided in the speed hump policy. Only petition forms supplied by Valencia County or exact duplicates may be used for this purpose.

(C) After verification of the petitions, the county will conduct the necessary transportation engineering studies and solicit comments and recommendations from other agencies. A determination of the street's eligibility for speed hump installation will then be made in a timely manner, based on all of the criteria of the speed hump policy as shown in the detailed engineering evaluation form.

(1) If the roadway segment is determined not to be eligible, the applicant(s) will be notified in writing with the reason(s) for rejection being given.

(2) If the roadway segment is determined to be eligible, the segment will be placed on a list of streets eligible for speed hump installation.

(D) (1) Valencia County will annually prioritize pending projects on a fiscal year basis by assigning points to each project. Projects will be scheduled for detailed design and implementation based on their point scores and the capital improvements funds available for the fiscal year.

(2) The street yielding the highest numerical point score will be considered to have the highest priority. The street with the earliest application date will have the highest priority among streets with the same point score.

(3) When a budgeted amount for speed humps has been approved, the county will, starting at the top of the ranking list and proceeding in descending order, determine which installations will be funded from the budgeted amount. Representatives of the applicants for all approved speed hump installations will be notified of which requests have been funded for the upcoming fiscal year.

(E) The process for speed hump removal or alteration by residents is the same as the process for installation.

(F) Valencia County reserves the right to install, remove, or alter any speed hump for the health, welfare, and safety of the public.

(G) Speed humps recommended as part of a system level analysis to address traffic flow and control for a particular area

of the county will not be subject to the provisions of this policy.

(Ord. 2000-01, passed 5-1-2000)

[Exhibit 1](#)

[Speed Hump Preliminary Evaluation Form](#)

SPEED HUMP PETITION

The undersigned property owners hereby petition for speed humps on _____ between _____

_____, and by signing this petition, indicate that they will accept all warning signs and restricted parking associated with the placement of speed humps.

Address	Name (print)	Signature	Phone Number	OK to Install in Front of My Property (Initial)

Who is the contact person for this request?

Name: _____

Address: _____ City, State, Zip: _____

Phone Number: _____

Please record all vacant dwellings in the petition area, as well as schools, parks, churches and other institutions on the street segment.

Return petition forms to: OFFICE OF THE COUNTY MANAGER

[Exhibit 3](#)

[Speed Hump Detailed Engineering Evaluation Form](#)

[Exhibit 4](#)

[Speed Hump Prioritization Form](#)

ENGINE RETARDERS

§ 70.25 PURPOSE.

The purpose of this subchapter is to preserve and protect the health, safety and quality of life of the residents of the county and to improve the environmental quality of the county. This subchapter is intended to control noise emissions from engine retarders in the populated areas of the county.

(Ord. 2005-03, passed 6-17-2005)

§ 70.26 DEFINITION.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

ENGINE RETARDER. A device commonly known as an engine retarding system, engine brake, "jake brake" or exhaust brake, which helps slow a motor vehicle's rate of speed and, when activated, creates noise through the motor vehicle's engine or exhaust system.

(Ord. 2005-03, passed 6-17-2005)

§ 70.27 PROHIBITION; ENGINE RETARDER.

It is unlawful for any person to make, continue or cause to be made any noise disturbance on those certain roads in the county, as designated by the Board of County Commissioners by resolution, by the sounding of any device or piece of

equipment known as an engine retarder. Exempted from the provisions of this subchapter is noise resulting from the use of a retarder in a bona fide emergency situation. Prior to the Board of County Commissioners designating, by resolution, a certain road to be subject to the requirements of this subchapter, it shall hold a public hearing on the question. The public hearing shall be held upon the petition of at least 4 homeowners adjacent to the particular roadway, or may be held upon the majority vote of the Board of County Commissioners. In deciding whether to designate a road to be subject to the provisions of this subchapter, the Board shall consider the impact upon public safety in prohibiting the use of engine retarders, and shall consider the nuisance impact of the use of engine retarders, in the particular area of the roadway under consideration.

(Ord. 2005-03, passed 6-17-2005) Penalty, see § 70.99

§ 70.28 SIGN POSTING.

(A) The bodies or agencies responsible for maintenance of qualifying roads or highways in the unincorporated areas of the county shall erect and maintain signs posted in conspicuous locations upon those certain roadways designated by resolution of the Board of County Commissioners for prohibition of engine retarders, indicating that engine retarder use is prohibited.

(B) The absence of a sign or signs, however, shall not be a defense to a charge of violation of this subchapter.

(C) If, at any time, this subchapter conflicts with published State Department of Transportation regulations or policy, the latter shall apply to the extent it applies on state roads or highways.

(Ord. 2005-03, passed 6-17-2005)

§ 70.29 SEVERABILITY.

If any article, section, paragraph, clause, word or phrase of this subchapter is held to be invalid or unenforceable by any court of competent jurisdiction, that decision shall not affect the validity of the remaining provisions of this subchapter.

(Ord. 2005-03, passed 6-17-2005)

§ 70.30 ENFORCING ENTITY.

(A) *Enforcing entity.* The Valencia County Sheriff's Department (hereafter, Sheriff's Department) or any duly authorized and commissioned law enforcement officer shall enforce the provisions of this subchapter.

(B) *Reporting alleged violations.* Any person may report an alleged violation of this subchapter to the Sheriff's Department. Upon receipt of the report, the Sheriff's Department shall ascertain the location, date, time and specific nature of the alleged violation.

(Ord. 2005-03, passed 6-17-2005)

§ 70.31 EFFECTIVE DATE.

This subchapter shall be in full force and effect 30 days after its adoption and recorded in the county ordinance book, as provided by law.

(Ord. 2005-03, passed 6-17-2005)

NORTH RIO DEL ORO ROAD TRUCK TRAFFIC RESTRICTION

§ 70.45 FINDINGS AND INTENT.

The Board of County Commissioners of Valencia County finds that truck traffic on North Rio Del Oro Road, east of Manzano Expressway to Valencia High School in Valencia County poses a significant risk to the health and safety of inhabitants of Valencia County, and in particular the safety of the High School Students at Valencia High School. The Board of County Commissioners of Valencia County further finds that the truck traffic along this road constitutes a nuisance, producing vibrations, dust, and inflicts substantial damage upon the road. The Board of County Commissioners of Valencia County further finds that this subchapter is remedial in nature, and designed to protect occupants of Valencia County. The Board of County Commissioners of Valencia County further finds this subchapter to be the most narrowly tailored means of furthering compelling governmental interests.

(Ord. 2012-03, passed - - 2012)

§ 70.46 SHORT TITLE.

The ordinance codified in this subchapter shall be referred to as the "North Rio Del Oro Road Truck Traffic Restriction Ordinance".

(Ord. 2012-03, passed - - 2012)

§ 70.47 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORIZED EMERGENCY VEHICLE. Any fire department vehicle, police vehicle, ambulance and any emergency vehicles operated by the State of New Mexico, a municipality or county or operated by a public utility.

GROSS VEHICLE WEIGHT. The weight of a vehicle inclusive of any load.

SCHOOL BUS. Any motor vehicle operating under the authority of a Board of Education or private or parochial school interests that is used to transport children, students or teachers to or from schools or to and from any school activity, but not including any vehicle:

(1) Operated by a common carrier, subject to and meeting all requirements of the public regulation commission but not used exclusively for the transportation of pupils;

(2) Operated solely by a government-owned transit authority, if the transit authority meets all safety requirements of the public regulation commission but is not used exclusively for the transportation of pupils; or

(3) Operated as a per capita feeder as defined in NMSA § 22-16-6.

SOLID WASTE TRUCK. Any vehicle specifically designed to collect and transport solid waste or recyclables.

TRAILER. Any vehicle, without motive power, designed for carrying persons or property and for being drawn by a motor vehicle, and so constructed that no significant part of its weight rests upon the towing vehicle.

TRUCK. Every motor vehicle designed, used or maintained primarily for the transportation of property.

(Ord. 2012-03, passed - - 2012)

§ 70.48 GENERAL PROVISION AND OFFENSE.

(A) *Restricted traffic.* Trucks and truck trailers, with a gross vehicle weight of five tons or more, are prohibited from using North Rio Del Oro Road, east of Manzano Expressway to Valencia High School without a permit.

(B) This subchapter shall not apply to travel of a solid waste truck or truck trailer which is delivering to a local resident.

(C) This subchapter shall not apply to authorized emergency vehicles, government or utility vehicles, service and transportation vehicles, and school buses.

(Ord. 2012-03, passed - - 2012) Penalty, see § 70.99

§ 70.49 PERMITTING PROCESS.

(A) Any person may apply to the County Planning and Zoning Department ("the Department") for a permit providing for an appropriate exemption for the above-prohibited trucks and trailers, subject to the Type A application procedure set forth in § 154.075. Any such permit may designate the route to be traversed and contain other reasonable restrictions or conditions deemed necessary by the Department. The permit shall be carried on all permitted vehicles, and shall be open to inspection by any code enforcement officer or duly authorized and commissioned law enforcement officer.

(B) To obtain a permit, an applicant must submit a permit application to the Department, which shall include all information required by the Department, and not limited to vehicle identification and owner/operators, vehicle weights, local weights, materials carried, route to be followed to the site, duration of activity (beginning date and end date), frequency of trips and times of operation. The applicant shall pay a permit fee to be established by the Board of County Commissioners, but in no event shall the fee be less than \$50.

(C) The Department may require the applicant to submit documentation (including, but not limited to photographs and videos of the condition of the roads, shoulders, and all structures (culverts, bridges, and the like) that will be traversed by the permitted traffic as a condition of the permit so that the Department may make a determination as to any restrictions that may reasonably need to be imposed.

(D) If, upon review by the Department, a violation of any condition imposed in granting the permit is found, the Department shall inform the applicant by registered letter and first class mail of the violation and require compliance within 30 days. If the permittee does not achieve compliance within 30 days of the mailing of the letter, the permit may be revoked at the discretion of the Department.

(Ord. 2012-03, passed - - 2012)

§ 70.50 OBLIGATIONS OF VALENCIA COUNTY.

(A) The Valencia County Public Works Department shall forward a copy of this subchapter to the New Mexico State Motor Transportation Division of the Department of Public Safety.

(B) The Valencia County Public Works Department shall install weight limitation signs appropriately and conspicuously on the affected portion of North Rio Del Oro Road.

(Ord. 2012-03, passed - - 2012)

§ 70.51 ENFORCEMENT.

Enforcing entity. The Valencia County Sheriff's Department (hereafter, "Sheriff's Department") or any duly authorized and commissioned law enforcement officer shall enforce the provisions of this subchapter.

(Ord. 2012-03, passed - - 2012)

§ 70.52 IMMUNITY.

Nothing in this subchapter creates a cause of action against the Board of County Commissioners of the County of Valencia not already authorized under existing law. Without limitation, the Board of County Commissioners of the County of Valencia is not liable to any person harmed who claims that enforcement of this subchapter may have prevented the harm.

(Ord. 2012-03, passed - - 2012)

§ 70.99 PENALTY.

(A) *Generally.* Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) *Engine retarders.*

(1) Any person who violates any of the provisions of §§70.25 et seq. shall be deemed guilty of a misdemeanor.

(2) Each violation of this subchapter shall be punishable by a fine of no more than \$300, and/or imprisonment for no more than 90 days, or both.

(C) Any person who operates a truck and/or truck trailer, with a gross vehicle weight of five tons or more, over North Rio Del Oro Road, east of Manzano Expressway to Valencia High School without a permit in violation of §§ 70.45 through 70.52 shall, upon conviction, be subject to a fine not exceeding \$300 or by imprisonment not exceeding 90 days or both. The Board of County Commissioners of the County of Valencia is also entitled to injunctive relief to enforce the provisions of §§ 70.45 through 70.52.

(Ord. 2005-03, passed 6-17-2005; Am. Ord. 2012-03, passed - -2012)