

# TOWN OF PERALTA

## Road Dedication Ordinance

Number 2012 - 04

### 10.000 Short Title.

This ordinance may be cited as the "Town of Peralta Road Dedication Ordinance".

### § 10.001 Definitions

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

**ALLEY:** A passage, as through a continuous row of houses, permitting access from the street to backyards, garages, etc.

**APPLICANT** - Any person required by this chapter to apply for a permit to make a road cut and/or follow the provisions of this chapter.

**BORING** - The act of tunneling under the surface of the roadway or right-of-way.

**BUSINESS DAY** - Monday through Friday excluding holidays.

**TOWN FACILITIES PROJECT**- Any road cut undertaken as a part of a project initiated by the Town and includes related action taken by the utility company to further the **TOWN FACILITIES PROJECT**.

**CULTURAL PROPERTY** - A property as defined in the State Cultural Properties Act, NMSA §§ 18-6-1 to 18-6-7, for example, a structure, place, site or object having historic, archaeological, scientific, architectural, or other significance.

**DEPARTMENT** - The Public Works Department under the supervision of the Public Works Supervisor and the Town Administrator.

**EMERGENCY** - Any situation or condition existing in which there is an interruption or disruption of gas, electricity, sewer, storm sewer, drainage structures, water, or telecommunications service to customers being served by a utility company, or any situation or condition in which there is a danger of serious bodily injury, serious property damage, or prolonged disruption of service.

**EXCAVATION** - The act of making a hole, trench, or ditch, which penetrates through or under the surface in a public right-of-way or other public property, resulting in the removal of dirt, asphalt, concrete or other material.

**FACILITIES** - Are and include, but are not limited to, plants, works, systems, improvements and equipment of the utility company such as pipes, electric substations, mains, conduits, transformers, wires, cables, poles, underground links, meters and concrete pedestals for any of the above and including postal service mail boxes.

**PERMIT**- The written form provided by the Town in which a person describes the use, excavation or road cut which will be performed on public property and in which are contained any special conditions required of the person by the Town in the execution of the work? **PERMITS** are subject to the conditions and requirements contained in this chapter.

**PERMITTEE** - A person who has received a road cut permit from the Town.

**PERSON** - Any individual, estate, trust, receiver, cooperative association, club, corporation, utility company, firm, partnership, joint venture, syndicate, or any other entity.

**PUBLIC FACILITY**- Any designed, engineered, constructed road structures or engineered drainage facilities owned or maintained by the Town located on public rights-of-way.

**PUBLIC RIGHT-OF-WAY** or **PUBLIC PROPERTY**- Those properties or sites within the Town possessing a real property estate or interest, such as fee simple title, prescriptive easement or dedicated easement, and includes easements, rights-of-way, highways or road, paved or unpaved, curbs, gutters, sidewalks, or other paved, unpaved, un-surfaced or concrete property which the Town owns or maintains.

**PUBLIC WORKS SUPERVISOR** - The person employed by the Town and appointed by the Town Council or Town Administrator to hold this position, and/or his or her designee under the direction of the Town Administrator.

**ROAD CUT** - The act of cutting a hole, trench, ditch or tunnel in, on, under, or through the surface of a public facility; or the act of drilling, boring, tunneling under or jacking up the surface of a public right-of-way.

**ROAD USE** - Any activity in or adjacent to the roadway that may affect traffic and/or pedestrian flow.

**TCP**- A traffic control plan or diagram showing the Town how safe maintenance of traffic and pedestrian flow will be conducted.

**TOWN ADMINISTRATOR** - The person employed by the Town and appointed by the Governing Body to hold this position.

**TOWN** – Peralta, New Mexico, as represented by the Town Council through its Town Administrator and his or her designee.

**UTILITY COMPANY** - Any person, entity, or corporation, which provides water, sewer, electric, gas, telephone, or cable television or related services to 5 or more hookups in the Town. It also includes an independent contractor that has entered into a contract with the utility company to perform the road cut or excavation when the independent contractor is performing services for the utility company. Such an independent contractor must file a notarized affidavit with the Town, executed by the utility company, setting

forth the name, business address and business telephone number of the independent contractor as an authorized agent of the utility company.

**§ 10.010      DEDICATION of ROADS**

No road will be considered for maintenance by the Town of Peralta unless the right-of-way is dedicated to the Town. If maintenance is being requested on a road, which is not dedicated, the initial step in acquiring periodic maintenance shall be the dedication of the right-of-way to the Town. The point of contact to coordinate the dedication maintenance request is the Town of Peralta Administrator, phone 505.869.2050, 90-A Molina Road, Peralta, NM 87042. Information will be provided on procedures and requirements that must be followed in the dedication process.

**§ 10.011      PROCEDURE**

(A) Application for the dedication of a road requires a written application and an administrative fee of \$100.00. The application is available from the Town Clerk/Administrator.

(B) Upon receipt of an approved application and an approved petition from all the resident(s) and owner(s) of an existing private road for acceptance by the Town, the Town Administrator shall determine if the road meets the minimum standards for Town roads and, if applicable, identify any required actions to bring the road up to acceptable standards. If necessary, the Town Administrator shall provide the applicant a cost estimate to bring the road up to Town specifications.

(C) Roads that are not within the boundaries of an approved subdivision must have right-of-way transferred to the Town through a warranty deed, or other type of document acceptable to the Town Attorney. In addition the Town will require proof of clear title, and may require title insurance to be provided and paid for at the expense of the person(s) dedicating the right-of-way or road to the Town. Person(s) dedicating right-of-way must pay for and furnish a legal survey and plat of proposed dedication prepared by a registered land surveyor, meeting minimum standards for land surveying in New Mexico.

(D) The Town Administrator and Public Works Supervisor shall review the proposed road and provide a written analysis of the impact of the road on adjoining Town roads together with related concerns of the departments. Such report shall reflect approval of affected utility easement holders. The Fire Chief shall review the proposed road for safety concerns involving ingress and egress and other related concerns in a written analysis. The Administrator shall not submit the petition for dedication until all Town departments have submitted reports, including the Administrator's report, with all agency comment. The Administrator shall provide to the owner(s) of the road the responses by the Town departments to bring the road in compliance with Town regulations. Upon substantial completion by the owner(s) of the conditions addressed by the various Town departments or if the road meets the specified health, safety and welfare requirements set forth in this section, the Administrator shall submit the petition and agency comments for presentation to the Town Council. (Road and street design standards – see §§ 10.010 through 10.015)

(E) The Council may, in its discretion, grant a full or partial waiver in order to accept roads for maintenance that do not otherwise meet the above road standards if the acceptance of the road is essential to the protection of the public health, safety and welfare, with the understanding that Town maintenance of accepted roads will be undertaken with available funding and pursuant to priorities for road maintenance Town-wide.

(F) Considerations to be used in determining whether an acceptance of dedication or a full or partial waiver is granted are:

1. Number of occupied dwellings on the road;
2. Total length of the road to be maintained.
3. Whether the road is a collector or local access road or a dead-end road;
4. Whether the road is an established school bus route;
5. Whether mail deliveries are made on the road;
6. Accessibility to dwellings for emergency services, including times of inclement weather;
7. The adequacy of driving space and drainage;
8. Any costs likely to be incurred by the Town including lifecycle maintenance, signage, and striping;
9. Surface type of the roadway

**§ 10.012      MAINTENANCE ACCEPTANCE**

Acceptance of dedication is reserved for the Council who has the option to accept the dedication, to not accept the dedication, or to accept the dedication contingent upon roads being constructed in conformance with Town standards and specifications and this chapter.

**§ 10.013      ROAD EXCLUSIONS**

Roads within subdivisions, which are not dedicated to public use by disclosure on the plat, will not be accepted by the Town for maintenance. The responsibility for maintenance of private roads is with the developer, owner or the purchasers. Temporary, courtesy or emergency maintenance by the Town does not constitute an implied acceptance of maintenance by the Town.

**§ 12.010      Short title**

This subchapter may be referred to as the “Peralta Road and Street Design Standards.”

**§ 12.012      PURPOSE; GOVERNING REGULATIONS**

(A) The purpose of this subchapter is to establish criteria for use in the design of paved and unpaved road and street systems and related features to promote consistently sound design of roads or streets having acceptable performance characteristics.

(B) The following are some of the most important Town of Peralta regulatory documents pertaining to road and street design. The list is not intended to be exhaustive, and the user is cautioned that these regulations are subject to change at any time.

- (1) Town of Peralta Subdivision Ordinance adopted December 12, 2007, as the same may be amended from time to time.
- (2) Town of Peralta Comprehensive Zoning Ordinance adopted December 12, 2007, as same may be amended from time to time.
- (3) Town of Peralta Comprehensive Plan, when adopted, as the same may be amended from time to time.
- (4) The Manual for Uniform Traffic Code and Design (MUTCD) 2009 MUTCD Rev. 1 and 2 dated May 2012.
- (5) American Association of Safety and Highway Transportation Officials (AASHTO) Highway Safety Manual, First Edition

**§ 12.013      GENERAL PLANNING**

(A) *Road and street location and arrangement; paved roads.*

(1) Roads or streets must conform in character, location, and arrangement to adopted plans. Governing plans include, but are not limited to, an approved area plan, Peralta master plans, or adopted future road or street line. The Town shall be consulted for information regarding applicable plans for areas under design consideration.

(2) Proposed road and street arrangements must provide for the continuation of existing principal roads or streets or appropriate projections thereof if not otherwise governed by an adopted plan.

(3) Alleys are not to be provided where other provisions can be made for adequate and suitable service access, but are generally discouraged.

(B) *Right-of-way and pavement width minimum standards.*

(1) Required road and street right-of-way widths and pavement widths are established in Table 1.

(2) Temporary streets may be approved by the Public Works Director, Town Administrator or his or her designee.

(C) *Access.* Private driveway access to single- family development is not permitted on principal arterial or collector roads or streets, unless the roads or streets are in a rural setting making this restriction impractical.

(D) *Cul-de-sac criteria.*

(1) A road terminating in a cul-de-sac may only have a maximum permitted length of 600 feet, measured from the centerline of the intersecting road or street to the center of the turnaround.

(2) Maximum number of dwelling units allowed to be served by a cul-de-sac is 12, unless otherwise specifically approved by the Town.

(3) *Turnarounds.*

(a) Circular turnarounds with no center island must have minimum 49 feet radius to right-of-way and must have minimum 44 feet radius paved area measured to the flow line of curb.

(b) Circular turnarounds with approved center island must have 56 feet radius to right-of-way and must have 47 feet radius paved area measured to the flow line of curb, with a maximum center island radius of 17 feet measured to the flow line of curb.

**TABLE 1**

**ROAD AND STREET RIGHT-OF-WAY AND PAVEMENTS WIDTHS**

<u>Minimum Road/Street Classification</u>	<u>Minimum Required ROW</u>	<u>Requirement Pavement/Base Course Width</u>
Alleys	20 ft.	N/A (20 ft., if paved)
Local (Residential)	50 ft. <sup>2</sup>	32 ft.
Collector/Industrial/Commercial	68 ft.	48 ft.
Arterial	100 ft.	66 ft. or more as required by Town

1 Pavement width is width of pavement measured from face of curb to face of concrete curb or edge to edge of base course or pavement, excluding bicycle path.

2 If designed for on-street parking, the minimum required ROW shall be 60 ft.

**§ 12.014 ENGINEERING DESIGN CRITERIA**

The criteria presented herein are major controlling factors in the design of roads or streets. It is expected that the designers will exercise careful attention to detail in the application of these criteria to design circumstances. Suitable transitional elements must be provided between changes in geometric configuration, pavement and curb character, and drainage carrying aspects of the ultimate street design.

(A) *General design criteria.* Table 2 summarizes criteria considered minimum in the Town for various classifications of roads or street. Design speeds given are intended to establish levels to which facilities are to be designed; posted legal speeds are established only after appropriate examination of the completed road or street by the Town.

(B) *Geometric criteria.* In general, criteria for the horizontal and geometric of road or street design given in Table 2 will be the minimum acceptable values. Other factors must also be considered in a balanced design.

(1) *Vertical alignment.* Long, flat gradients are undesirable because of poor drainage characteristics. The minimum desirable gradient consistent with acceptable drainage is 0.5% with curbs and gutter and 0.25% with no curbs and gutters and, as such, should be observed as a general design principle. Grades in valley areas and other special circumstances may be flatter than 0.5% if approved by the Public Works Director. Long, step gradients are also undesirable since such are difficult for heavier vehicles to negotiate at desirable traffic speeds. Vertical curve criteria stated in Table 2 are intended to provide adequate safety consistent with applicable design speeds. In the application of these criteria, the designer will be expected to apply good judgment in combining vertical geometry with horizontal geometry.

(2) Extreme vertical undulation is not acceptable. Vertical changes in grade occurring simultaneously with horizontal alignment changes must be carefully considered to preserve the acceptable sight distance consistent with the design speed of the street. Engineering determination of safe stopping sight distance should be demonstrated in these cases. Adequate intersection sight distances must be maintained in all designs.

(3) *Balance design.* Abrupt, inconsistent changes in either horizontal or vertical alignment are not acceptable. Minor roads or streets shall be designed, however, in order to discourage excessive speeds of traffic. Major roads or streets shall be designed to permit larger flows of traffic at design speeds.

(C) *Intersection design.*

(1) *Angle of intersection.* Roads and streets must be designed to intersect at right angles as nearly as practical consistent with topography and sound design. The acute angles at intersection for all roads or streets shall be 80 degrees minimum. Intersection designs must provide for adequate clear sight distances.

(2) *Spacing of intersections.* Intersections of roads or streets along arterial roads or streets are to be minimized. Following are limiting values to be observed:

(a) Roads or streets intersecting arterials must generally be spaced no closer than one-sixth mile on center.

(b) Intersection of roads or streets shall be continuous in alignment if feasible. Offset alignment of intersecting roads or streets is highly discouraged.

(c) Intersections of roads or streets which are not on continuous alignment through the road or street intersected are to be spaced as follows:

1. Intersections of non-continuous roads or streets must be spaced at least 150 feet between centerlines of roads or streets on local roads or streets.

2. At least 300 feet on collector roads or streets.

3. At least 400 feet on all arterial roads or streets.

(d) Variances from these criteria will require written approval of the Town Administrator.

(3) *Curb return radii.* Minimum acceptable return radius for residential is 25 feet. All radii are measured to the back of the curb section.

(4) *Intersection grading.* Street crown may be reduced through intersections of major roads or streets of approximately equal classification if desirable to promote comfort. Crown reduction should not generally exceed one-half of standard crowns unless special circumstances govern and the joint concurrence of the Town Administrator is obtained. Concrete valley gutters and fillets are necessary to provide rapid drainage and eliminate pavement rutting.

(5) *Intersection sight distance.* Intersection of local roads or streets with major roads or streets classified as collector or above shall not be located at or near horizontal curves without special evaluation of intersection sight distance. The location of an intersection on the “inside” of a horizontal curve is a situation that will typically result in intersection visibility problems. The location of any property lines, fences or other obstructions will need to be evaluated to insure that the minimum sight distance is maintained.

(6) *ADA compliant.* Submittals shall be subject to regulations and requirements of the federal Americans with Disabilities Act or the State as it relates to providing for design and construction to provide for accessibility of the handicapped.

(D) *Curb and gutter and drainage criteria.*

(1) Standard 6-inch high barrier-type curb and gutter with 1-inch gutter depth as shown in Standard Details must be used as the exterior curb section for all classes of roads or streets required to have curb and gutter. Deviation from these standards will require written approval and concurrence by the Town Administrator.

(2) If both traffic requirements and drainage requirements can be met to satisfaction of the Town Administrator, mountable curb types maybe used on local roads or streets.

(3) Concrete curbs and gutter shall be constructed of Class “A” 4,000-psi Portland cement concrete. Expansion joints are to be installed every 24 feet and joint and construction joints installed every 8 feet at a minimum.

(4) For roads without curbs and gutter, all driveways shall be provided with a 12-inch diameter culvert or larger if required by drainage flow calculations for a 10-year, 24-hour event, at all driveways accessing a public road. The culvert shall be placed to have positive downhill drainage and shall be placed in the location graded to carry drainage, commonly known as the swale.

(E) *Pavement design criteria.*

(1) Design of pavement structures of arterial roads or streets must be based on acceptable design procedures. Current acceptable design procedures include latest edition of AASHTO Interim Guide for Design of Pavement Structures, NMSHD Bulletin 102 (See Standard Details), as amended.

(2) Design of pavement structures for collector, industrial, and commercial area roads or streets and residential (local) roads or streets will conform to Standard Details. Subgrade soils: Designing geotechnical



engineer shall submit report to the Town stating existing subgrade bearing values and proposed structural pavement design.

(F) *Drive pad design standards.*

(1) Construction of drive pads must conform to the current Standard Details.

(2) Drive pads shall cross the sidewalk on the sidewalk grade line without depression of the sidewalks. However, if a drive pad gradient in excess of 10% would be required to avoid depression of the sidewalk, the sidewalk shall be transitioned to match the drive pad within 6 feet of edge of drive pad and the drive pad gradient shall be maintained equal to or less than 10%.

(3) *ADA compliant.* Submittals shall be subject to regulations and requirements of the federal Americans with Disabilities Act or the State as it relates to providing for design and construction to provide for accessibility of the handicapped.

Penalty, see § 12.999

§ **12.015**      **CONSTRUCTION CRITERIA**

(A) *General.* Any permits or easements required for the construction of the required roads or streets, sidewalks, or appurtenances for the proposed development shall be obtained by the developer.

(B) *Materials.*

(1) All construction shall conform to this subchapter and Standard Details unless otherwise approved by the Town Administrator.

(2) All construction shall conform to the New Mexico Standard Specifications for Public Works Construction (NMSSPWC) as amended and as modified herein unless otherwise approved by the Town Administrator.

(3) In the case of conflict or discrepancy between these regulations, Standard Details and NMSSPWC, these documents will govern in the following order of priority:

(a) Subdivision Regulations;

(b) Standard Details;

(c) NMSSPWC.

Penalty, see § 12.999

§ **12.016**      **SIDEWALK DESIGN**

(A) *Sidewalks.* Sidewalks must be provided for all subdivided properties resulting in over 25 lots within the Town. The fundamental requirements governing sidewalk design are established by these design standards.

Sidewalk designs must provide for the mobility, safety, and comfort of the pedestrian and provide for adequate pedestrian access to abutting property. Pertinent sidewalk design criteria are collected herein for the convenience of the designer.

(1) Sidewalk width shall be 4-feet 0-inch minimum. For roads or streets in commercial or industrial zones, the Town may require wider sidewalks based on expected pedestrian traffic.

(2) *Sidewalk location- horizontal.*

(a) Along collector and local roads or streets, sidewalks must be located within the right-of-way.

(b) Variances from sidewalk standards will require the approval of the Town Administrator.

(3) *Traverse slope.* Sidewalks must be provided with a transverse slope of 1/4 to 1/2 inch per foot, sloping toward the road or street.

(4) *Sidewalk location – vertical.* The sidewalk must be located vertically such that the top surface of the sidewalk will be at or above the top of curb at the lowest point on the sidewalk, and must be appropriate to the overall street section design within the right-of-way.

(5) *Sidewalk materials.* Sidewalks are to be of Portland cement, Class “A”, 4,000 psi, of minimum 4 inches thickness. Portland cement, concrete reinforcing, and curing compound shall be as specified in the New Mexico Standard Specifications for Public Works Construction. Expansion joints shall be a minimum of every 12 feet and construction joints every 4 feet. Sidewalk and curb and gutter joints shall be located adjacent to each other.

**TABLE 2**

**GENERAL DESIGN CRITERIA FOR ROADS OR STREETS**

Street Classification	Minimum Centerline Radius - Feet <sup>(5)</sup>			Minimum Length Vertical Curve (feet) <sup>(1)</sup>	Vertical Curvature Design Value K <sup>(2)</sup>			Maximum Grade Change Allowed Without Vertical Curve - % <sup>(8)</sup>	Maximum Grade Allowed % <sup>(11)</sup>
	Design Speed M.P.H	With 0.02 ft./ft <sup>(10)</sup> Super-elevation	With Normal Crown <sup>(7)</sup>		For Crest Stopping Sight Distance <sup>(6)</sup>	For Sag Stopping Sight Distance <sup>(6)</sup>	For Sag Comfort Control <sup>(3) (6)</sup>		
Principal Arterial	50	1,050	1,400	150	100	75	N/A	0.4	6
Minor Arterial	45	800	1,100	135	80	65	N/A	0.4	7
Collector	35	450	575	100	46	45	26	0.7	8
Local Residential	25	0	230 <sup>(9)</sup>	75	25	28	13	1	8
Cul-de-sacs & Alleys	20	0	120 <sup>(9)</sup>	60	18	24	9	1	12
Local Industrial/ Commercial	30	300	380	90	32	35	19	1	8

(1) Controlling limit only when algebraic grade difference (A) times the design value K is less than minimum shown; in all other cases, L=KA shall control.

(2) The values for K shown are to be used in determining the minimum length of vertical curve required by the use of the relationship L=KA where:

L= Length of vertical curve in feet

A= Algebraic difference in grades expressed in percent

K= Design value indicative of rate of curvature

(3) Allowed only with express permission of Town. Use of K for comfort is strongly discouraged.

- (4) Lengths of vertical curves longer than the minimums resulting from the use of K values shown should be used wherever possible; however, K should not exceed 143 feet when curb and gutter is used.
- (5) Source: Design of Urban Roads or Streets, Federal Highway Administration, U.S. Department of Transportation
- (6) Crest vertical curves are based on eye height of 3 feet 3 inches, object height of 0 feet, 6 inches and AASHTO minimum stopping distances. SAG vertical curves are based on AASHTO standards. If AASHTO standards are revised to more restrictive values, the more restrictive values shall supersede the values in this table.
- (7) As given in Standard Details.
- (8) A minimum of 50 feet must be maintained between vertical points of intersection.
- (9) Local residential roads or street with 90-degree or near 90-degree turns may be designed with a minimum centerline radius of 75 feet with the approval of the Town. Appropriate advisory signs may be required.
- (10) 0.04 ft./ft./ allowed for principal arterials only.
- (11) Notwithstanding these permissible grades, all designs shall be compliant with the Americans with Disabilities Act.

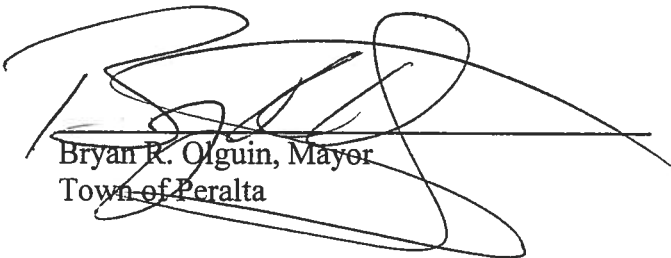
§ 12.990 **SEVERABILITY**

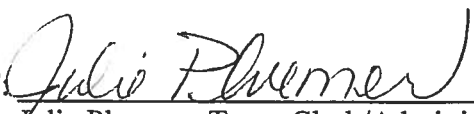
If any section, subsection, sentence, clause, phrase, or any portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

§ 12.999 - **PENALTY**

Each violation of this chapter shall be punishable by a fine of no more than \$500, and/or imprisonment for no more than 90 days, or both, and no more than \$1,000 for discarding or disposing of refuse, litter or garbage on public or private property in any manner other than by disposing it in an authorized landfill.

PASSED, APPROVED, SIGNED AND ADOPTED THIS 20<sup>th</sup> DAY OF September, 2012.

  
 Bryan R. Oguin, Mayor  
 Town of Peralta

ATTEST:   
 Julie Pluemer, Town Clerk/Administrator