



ORDINANCE NUMBER: 2017-05

Approving the
ROOSEVELT COUNTY POLICY
Governing County Maintained Roads

WHEREAS, by statute, Roosevelt County is responsible for the maintenance and operation of various dedicated and accepted roads within the boundaries of Roosevelt County; and,

WHEREAS, Roosevelt County has previously adopted a 2013 Road Policy, which sets forth standard policies and procedures to be followed not only by the Roosevelt County Road Department, but by others desiring to work on, under or adjacent to any County Maintained Road or in any County right-of-way; and

WHEREAS, the Roosevelt County Road Department and Roosevelt County Planning Department have made recommendations to the Roosevelt County Board of Commissioners regarding necessary changes and modifications to the existing Road Policy.

NOW, THEREFORE BE IT RESOLVED that the attached 2017 Roosevelt County Road Policy be and the same hereby is adopted as the official Road Policy for Roosevelt County. Any and all Road Policies other than the attached 2017 Road Policy that may have been adopted, used or made available through the County or the County Road Department are hereby rescinded.

If any part of this Ordinance is held to be unconstitutional, invalid, or otherwise in conflict with the laws of the State of New Mexico, or the United States of America, the validity of the remaining portions of this Ordinance shall not be affected.



PASSED, APPROVED, and ADOPTED this 6th day of June, 2017.

BODY OF COUNTY COMMISSIONERS
ROOSEVELT COUNTY, NEW MEXICO

ATTEST:

Stephanie Hicks
DeAun D. Searl, Roosevelt County Clerk
Stephanie Hicks
Chief Deputy Clerk

Paul Grider
Paul Grider, Chairman – District V

Gene Creighton
Gene Creighton, Vice Chairman – District IV

Matthew Hunton
Matthew Hunton – District II

Dennis Lopez
Dennis Lopez – District I

absent
Lewis (Shane) Lee – District III

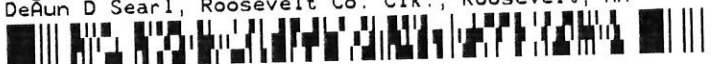


TABLE OF CONTENTS

SECTION I: General Provisions.....	1
SECTION II Maintenance Classification.....	3
SECTION III: Subdivision Roads.....	5
SECTION IV: County Maintained Road Maintenance.....	6
SECTION V: Routine Administration of the Road Network.....	8
SECTION VI: County Maintained Road Management and Administration.....	9
SECTION VII: Agreement Required for Exchange of Benefits for Road Work.....	14
SECTION VIII: Miscellaneous Provisions.....	16
APPENDIX A: Application for Permit to Install Facilities within Public Right-of-Way	
APPENDIX B: Cattle Guard Specifications	



SECTION I: GENERAL PROVISIONS

1. **Purpose.** The purpose of this document, hereinafter referred to as the Road Policy, is to establish policies and procedures for the orderly and consistent management and administration of Roosevelt County Maintained Roads and to provide the Roosevelt County Board of Commissioners a uniform process and system to insure that fair and equitable treatment is exercised to provide County Maintained Road services. The overall purpose of this document is to establish standards for design and construction of safe and durable roads for the benefit of all citizens of the County within the limitations of funding, manpower, and equipment available to the County. The Commission strives to maintain County Maintained Roads to the best of its ability, given its limited resources. Roosevelt County is responsible for maintaining approximately 1,200 miles of County Maintained Roads, with limited resources.

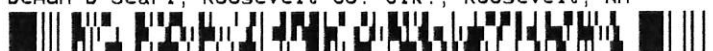
2. **Applicability.** This document applies to all County Maintained Roads located within the unincorporated areas of Roosevelt County, New Mexico. This document also applies to the platting, design and maintenance of any road within a proposed subdivision, in conjunction with the requirements of the New Mexico Subdivision Act, N.M.S.A. 1978, §§ 47-6-1, et seq. (as amended), and the Roosevelt County Subdivision Ordinance (as amended).

3. **Declaration of Roosevelt County Maintained Roads.** All roads which have been established as a Roosevelt County Maintained Road pursuant to the laws of New Mexico by the following, and with acceptance by the Board of County Commissioners:

1. Petition and declaration by Roosevelt County Commissioners as recorded in minutes of such proceedings.
2. Dedication to use and benefit of the public by filed plat if approved and adopted by the County Commission.
3. Deeded to Roosevelt County from the landowner by Warranty Deed, Quit Claim Deed, or other legal deed.
4. Easement.
5. Prescriptive right.
6. Donation by owner.
7. Purchased by Roosevelt County.
8. Power of eminent domain.
9. Other legal acquisition by Roosevelt County.

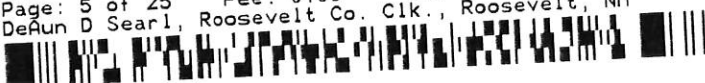
In certain instances, roads within existing County subdivisions have been declared and dedicated to the use and benefit of the public, but have not been accepted for County maintenance. Nothing in this policy shall change or alter the status of those roads that currently exist but are not maintained by Roosevelt County.

ALL ROADS, AS DESCRIBED ABOVE, ARE HEREBY DECLARED to be Roosevelt County Maintained Roads and all such roads shall be designated on the official Roosevelt County Maintained Road Map (as updated), which is hereby and hereinafter declared a part of this policy.



4. Roosevelt County Maintained Road Map. Each year a new updated map will be prepared and submitted for approval to the Roosevelt County Commission.

5. Administrative Fees. In order to defray and/or offset a portion of the cost and/or expenses of the administration of private versus public requests, the Board of County Commissioners has established procedures that require an application and payment of an administrative fee. The administrative fee for this policy shall be established at \$50.00 per person, per application and can be changed, altered or amended by the County Commission as it deems fit.



SECTION II: MAINTENANCE CLASSIFICATION

County Maintained Road

A County Maintained Road is a road that has been accepted for full County maintenance. Each County Maintained Road is or will be assigned a number and/or a name. Maintenance on County Maintained Roads may include routine maintenance, as defined below, pavement, asphalt, chip seal, grading, shredding, and replacement of base coarse, installation and repair of drainage structures, snow removal, pothole repair, signage, resurfacing, weed control, mowing, and such other maintenance as may from time to time be determined. Routine maintenance typically consists of blading as well as repairing pot holes, patches, improvements, repair and maintenance of existing cattle guards and culverts as further detailed herein.

Classification

For internal scheduling purposes only, the Roosevelt County Road Department may classify County Maintained Roads according to their road surface, i.e., dirt, caliche, chip-seal, pavement, asphalt.

Snow Removal

As with road maintenance, the County's ability to remove snow from County Maintained Roads is limited by available resources. The County has limited graders. As a result, it is necessary to prioritize snow removal.

When snow depth is five (5) inches or greater on non-paved County Maintained Roads, and five (5) inches or greater on paved County Maintained Roads, the Road Department shall commence snow removal. Snow removal shall proceed in the following order, unless emergency situations dictate otherwise:

1. Those County Maintained Roads, which are essential for emergency services, shall be the first priority for snow removal.
2. School Bus Routes. New Mexico law, at NMSA § 22-16-10, authorizes the County to remove snow on any school route. School Bus Routes shall be the second priority for snow removal.
3. Thereafter, as time and equipment permits, the Road Department shall remove snow, tumbleweeds and sand from non-essential County Maintained Roads in the order of priority established for routine maintenance. Specifically, after roads for essential emergency services and school routes are cleared, the Road Department shall begin clearing quarterly maintained roads.

Treatment of School Bus Routes

School bus routes that are on private roads will be bladed by the county. However, as noted above, the County is authorized by New Mexico law to remove snow from any school bus route including private roads. The Road Department will maintain these roads, but will not enhance the private drive (school bus route). If private road (school bus route) includes an existing cattle guard(s), the Road Department is not responsible for cleaning or maintenance of an existing cattle guard(s).



Treatment of Private Roads

Absent a declared emergency, the County shall not maintain any private road.

The County shall not remove snow from a private road, unless the private road is a school bus route as set out above.



SECTION III: SUBDIVISION ROADS

No road will be accepted by the County nor shall said road be part of the County Maintained Road system, or subject to County maintenance unless the road is approved by the Roosevelt County Board of Commissioners pursuant to the County's Subdivision Ordinance. Any and all roads built or constructed in a Roosevelt County subdivision must meet the current minimum specifications, which are in existence at that time.

County Acceptance of Roads

Subdivision Roads. Any road can be accepted as a subdivision road if approved by the Board of County Commissioners at a public meeting prior to any road being adopted as a Roosevelt County Maintained Road, whether it is an existing road or a new road to be built, said road must meet the above set forth standards and criteria. No other private road or public road in a private development will be accepted as a County Maintained Road.

Final Approval. Final approval of a subdivision shall not be granted until road signage, approved as to location, road name, general construction and size have been installed in appropriate locations, as further set forth herein, without cost to the County, pursuant to the County's Subdivision Ordinance.

Number of Access Roads. Roosevelt County reserves the right to determine and/or regulate the number of access roads to or from the subdivision that connect with public roads or thoroughfares, depending on the size of the subdivision, the number of units in the subdivision, location of the subdivision, the public road or thoroughfare from which access to or from the subdivisions with traffic volumes, overall pattern of usage and/or development of the proposed access roads, and any other factor, which in the opinion of Roosevelt County, impacts or may impact the health, safety and well-being of the County or County residents.

Reclassification Standards

In considering a request for Roosevelt County to accept or reclassify any road as a County Maintained Road, no road may be reclassified or accepted if the road is not constructed to meet the minimum standards as set forth in this Resolution, or in the case of a subdivision road, the Roosevelt County Subdivision Ordinance, which is in place as of the date of the request for classification. The Board of County Commissioners may accept the request in-whole or in-part, or may designate only a portion of a road for reclassification.

A road shall not be reclassified as a County Maintained Road if maintenance is impossible, dangerous or unreasonably costly. Nor shall any road be reclassified for County maintenance if environmental problems are identified in an environmental assessment.



SECTION IV: COUNTY MAINTAINED ROAD MAINTENANCE

Maintenance Schedule

Regular maintenance (grading and shaping) of a County Maintained Road shall take place once a year. However, certain natural factors, such as drought, monsoon or excessive snow, may alter or hinder the regular maintenance schedule. The County, at its discretion, reserves the right to initiate and implement the construction, development or maintenance of any County Maintained Road or any road accepted by the County as a County Maintained Road at County expense whenever it is so deemed appropriate and beneficial to the overall County Maintained Road network by the Roosevelt County Board of Commissioners and provided there are sufficient funds, manpower, and equipment to accomplish such work. The County will only maintain roads that are County Maintained Roads at the date of instituting this policy or that have been accepted by the Roosevelt County Board of Commissioners in a publicly held Commission meeting as set out hereafter.

A. Real Property Rights Required. Real property rights shall be granted to the County for all roads or rights-of-way accepted and approved by the Board of County Commissioners of Roosevelt County in a publicly held Commission meeting, within six (6) months after preliminary approval, as is determined legal and necessary by the County Attorney to insure appropriate legal rights and interests of such roads are vested to the County.

B. Minimum Right-of-Way Widths Required. A minimum right of-way width of at least sixty (60) feet shall be granted by fee title to the County for all privately owned roads accepted by the County as County Maintained Roads. The County, at its discretion, may require a wider right-of-way in cases that a wider right-of-way can be determined as necessary for public health, welfare and safety. Nothing contained herein shall be construed as altering the requirements for roadway width in subdivisions approved prior to the institution of this policy and right of way widths for roads in approved subdivisions hereafter approved shall be as specified in County Subdivision Regulations. Further nothing contained herein obligates the Board of County Commissioners to accept any road in any subdivision, whether approved before or after institution of this policy, as a County Maintained Road. The Board of County Commissioners reserves the right to alter required road widths on a case by case basis when necessary to preserve the health, welfare and safety of the public in a publicly held meeting.

C. Minimum Road Construction Standards. Roosevelt County standards specifications for road construction and/or road maintenance for any non-subdivision road must meet the following conditions:

1. The road shall have a minimum top measurement of twenty-four (24) feet.
2. The road sub-base shall be compacted to at least ninety-five percent (95%) compaction rate.
3. The road base shall consist of at least six (6) inches of NON-SPEC. Base Course (caliche).



4. Each road shall have at least a three percent (3%) crown.
5. Chip seal roads will be assessed and maintained on a case by case basis determined by the current condition of the road.

Under normal conditions, Roosevelt County will not blade any ditch, back slopes, or shoulders from October 1 of any year through April 1 of the following year. Exceptions to this general policy may be allowed if the road is under construction or reconstruction is being done on said road. In addition, with the approval (or supervision) from the Roosevelt County Road Superintendent, Road personnel may blade the front slopes (or shoulder) of County Maintained Roads in order to establish water flow down the ditch. In areas where ditches are full of blow sand, again, with the approval (or supervision) of the Roosevelt County Road Superintendent, Road personnel may clean the ditch in order to reestablish a ditch line capable of keeping rain water off of the roadway. In sandy areas, any blading will only be done with adequate moisture to compact the material on the roadway.



SECTION V: ROUTINE ADMINISTRATION OF THE ROAD NETWORK

Report and Resolution Presentation. On an annual basis, the Roosevelt County Road Superintendent shall present a report to the Board of County Commissioners in a publicly held meeting for its consideration and approval, which certifies to the Secretary of the New Mexico Department of Transportation the total mileage, names, route and, location of public roads maintained by Roosevelt County, pursuant to N.M.S.A., Section 67-3-28.3 (Supp. 1995). As part of the presentation, the Roosevelt County Road Superintendent will report to the Commissioners the total miles of County-maintained roads in the network, any additions and/or deletions and estimated maintenance cost of the network.

Also on an annual basis, the Roosevelt County Road Superintendent shall present a resolution to the Board of County Commissioners for its consideration and approval which authorizes the submission of an application to the New Mexico Department of Transportation for assistance from the Local Government Road Fund to perform necessary repair of and construction of roads in Roosevelt County, authorizing the expenditure of matching funds for categories of the Local Government Road Fund (i.e., CAP, CO-OP, and School Bus Routes) and recommend projects on which the funds may be used.

Establishing Speed Limits.

Speed limited in Roosevelt County shall be pursuant to New Mexico State Statutes. Roosevelt County Maintained Road speed limits may be changed, modified or altered pursuant to statutory provisions set forth by statute.

Temporary Road Closures. Any road closure of five days or less for an emergency or temporary basis may be approved by the Roosevelt County Road Superintendent, with the approval of the County Manager. All road closures for more than five days in length must be approved by the Board of County Commissioners. The Roosevelt County Road Department shall use best efforts to maintain ingress and egress on all County Maintained Roads, during temporary road closures.

Acquisition of Water for County Maintained Road Maintenance. From time to time, it may be necessary for Roosevelt County to obtain water from property owners/entities to use while making repairs and/or otherwise workings on County Maintained Roads. When, at the discretion of the Roosevelt County Road Superintendent, it is not feasible to drive back to one of the County water access facilities and load the trucks with water, the Roosevelt County Road Superintendent shall negotiate and enter into a contract with private property owners/water rights owners, for the acquisition of water. The Roosevelt County Road Superintendent will work with the County Manager on all contractual processes, and contracts will be approved by the Board of Commissioners.



SECTION VI. COUNTY MAINTAINED ROAD MANAGEMENT AND ADMINISTRATION

General Provisions. Since there are limited funds available for road work each fiscal year, the County must carefully review the requirements and costs of manpower, equipment, and materials for road work currently being performed and the contractual or legal obligations requiring road work during the upcoming fiscal year before workable and practical decisions can be made in regard to additional requests for road work.

Obstructions and Injuries to Road. Under NMSA 67-7-1 through 67-7-2, no person may in any manner obstruct or damage any County Maintained Road. Specifically, New Mexico law prohibits any person from placing on any County Maintained Road a gate, fence, stone, timber, trees or any other obstruction. Additionally, New Mexico law prohibits any person from damaging any County Maintained Road, including any culverts, cattle guards, signs, sign posts or bridges. In addition, the County may institute and maintain a claim for actual damages resulting from an unauthorized road cut or other damage to County Maintained Roads including recovery of the County's costs of attorney's fees.

Any building, structure, vehicle, tree, plant or anything else that is situated, placed, left, installed or otherwise located within a Roosevelt County Maintained Road Easement can be removed, at any time, without notice, by the Roosevelt County Road Department. Roosevelt County shall not be required to reimburse any owner, property owner, resident or anyone else for damages, costs or expenses, or be liable in any other way, for the County's actions in removing any structure or item that is placed, left, constructed or is otherwise in Roosevelt County Maintained Road Easement. Any said structure or item within a County Maintained Road Easement can be removed at any time, without notice, by the Roosevelt County Road Department. Private parties or organizations shall not perform any type of construction or other activity such as, but not limited to, utility installation, or constructing a driveway/road intersection without first applying for and securing authorization from the Roosevelt County Road Department, thereafter complying fully with all provisions and standards set forth in the authorization

Procedures for Establishing Right-of-Ways or Alteration or Establishment of New County Maintained Roads. The procedures to be followed when the Roosevelt County Board of Commissioners establishes right-of-ways or alters or opens new roads is set forth in §§ 67-5-5 through 67-5-21, NMSA, as amended.

Procedures for Alteration or Discontinuation of County or Public Roads. The procedures to be followed when the Roosevelt County Board of Commissioners discontinue roads is set forth in §§ 67-5-4 NMSA 2008, as amended. Whenever, in the opinion of the Roosevelt County Road Superintendent or Board of County Commissioners any road or part of a road that is open and maintained by Roosevelt County; (1) is not needed; or (2) the repairs of the same are burdensome and in excess of the benefits therefrom; the County may proceed to determine whether or not said road should be closed. The procedures set forth in Section 67-5-1 *et. seq.* will govern and apply to all said road closures.



Cattle Guards. Any person in the County who wishes to have a cattle guard installed on any County Maintained Road must apply by submitting an application to the Roosevelt County Road Superintendent. An administrative fee of \$50.00 must accompany this application. All forms are to be provided by the Roosevelt County Road Department or Roosevelt County website. (Appendix A)

The application for a cattle guard will be reviewed on a case by case basis. In determining whether to install a cattle guard, the Road Department will consider the circumstances at the requested cattle guard site, including but not limited to number and location of other existing cattle guards, convenience of relevant fencing and other appropriate factors. The County reserves the right to refuse to install a cattle guard, unless it is required on a school bus route. The County will typically install cattle guards at section lines, but not elsewhere.

If the request for installation of a new cattle guard is approved, the applicant must provide the cattle guard. The cattle guard must meet specifications of the Roosevelt County Road Superintendent. (Appendix B)

All work to install a cattle guard on a County Maintained Road will be performed by the Road Department. No person or entity will be allowed to perform any work on cattle guards. Any person or entity that performs any work on cattle guards other than the Road Department is liable for any damage, injury or accident caused from cleaning, maintenance, or improper installation of a cattle guard.

The Road Department is responsible for cleaning cattle guards and will be performed by Road Department personnel. Cleaning of the cattle guards include; removal of sand, dirt, silt and other debris which renders the cattle guard ineffective. In the event that the cattle guard needs to be cleaned before the maintenance crew returns, a request form for cleaning must be completed, and submitted to the Road Department. Once the form is submitted, the Road Department has 16 (sixteen) working days to complete task.

The scope of work for cleaning a cattle guard does not include cleaning or maintenance in the winter season. Normal winter road maintenance, combined with winter storm weather conditions (snow, freezing temperatures and wind) may result in a cattle guard being filled with snow ice and debris from plowing snow-covered roads and other regular winter road maintenance. The County will not perform cleaning of cattle guards for snow, ice, and road maintenance debris if the necessity for cleaning results from winter storm conditions and winter road maintenance, including snow-plowing. Landowners, ranchers and livestock owners are advised and cautioned not to depend or rely upon cattle guards to secure livestock away from County Maintained Roads during winter weather conditions.

In the event that any cattle guard located upon any County Maintained Road is deemed to be beyond repair by the Roosevelt County Road Superintendent, the cattle guard will be replaced or removed. The cost of replacement of any existing cattle guard that is in present need of replacement will be the responsibility of the County. If the damage to the cattle guard is directly caused by an identifiable event, act or party, County will pursue the cost of replacement from the party or parties who are responsible for the damage.



If a cattle guard is determined by the Road Department to be no longer useful or necessary for its intended purpose, the County may remove the cattle guard. Prior to such removal, the County will post a notice of intent to remove such cattle guard at the location of the cattle guard. The date for removal will be no earlier than 6 (six) months following the date of the notice posted. During the 6 (six) month waiting period, persons or entities are entitled to submit comments or objections to such removal, which will be considered by the Roosevelt County Road Superintendent prior to removal. The Roosevelt County Road Superintendent's decision will be the final agency action.

In the event a cattle guard is replaced by the County, by the owner of the property, or by a third party, the County shall have the right to remove the original cattle guard within sixty (60) days of being provided with notice that the cattle guard has been removed. If the County does not elect to retrieve the cattle guard, then it shall be deemed to revert to the ownership of the land owner who may use the cattle guard for such other purposes as the owner deems appropriate. In the event of road closure, the Roosevelt County Commission on roads which contain cattle guards, the ownership of the cattle guards shall revert to the land owners. Roosevelt County shall send written notice to each affected land owner that the County will no longer maintain the cattle guard and that the County no longer claims any ownership interest in the cattle guard.

No portion of the policy will be deemed or considered to have vested any person or landowner with the right to a particular size of cattle guard. The Road Department, upon determination that road improvement or widening is necessary, may require replacement of existing cattle guards. If the replacement of the cattle guard is due to development of lands, road safety concerns, upgrade and improvement of the roadway, or other similar circumstances not related to the agricultural utility of the cattle guard, the landowner or person who benefits from the use of the cattle guard will not be responsible for the cost of replacement of the cattle guard.

Culverts.

Any person in the County who wishes to install a culvert on any County Maintained Road must apply by submitting an application to the Roosevelt County Road Superintendent. An administrative fee of \$50.00 and install fee of \$300.00 must accompany this application. All forms are to be provided by the Road Department or Roosevelt County website. (Appendix A)

The owner of the property is responsible for paying for the materials and the cost of installation for new road access culverts if; the installation of a culvert is made necessary by the creation of a new access from private property to a County Maintained Road, by any alteration of the natural flow of water across private property by the owner, or for any other reason created by any owner of private property.

The culvert shall be installed according to the specifications of the Roosevelt County Road Superintendent. The culvert size will also be at the discretion of the Roosevelt County Road Superintendent, after reviewing the application and evaluating the property.

After installation, the owner or occupier will be responsible for the maintenance and repair of



the road access and/or any related culvert. If there is need for maintenance or repair of the culvert after installation, the owner or occupier has 30 (thirty) days to make such repair or perform such maintenance after notification from the County. In the event of the property owner's failure to perform such maintenance, the County will perform repair and/or maintenance as may be required for the protection of the County Maintained Roads and related appurtenances within the right-of-way. The responsible property owner will be billed if the property owner fails to perform the required maintenance or repair on the road access or culvert within the time frame specified above.

If a hazardous situation is detected, the property owner will be notified and requested to provide an immediate remedy to the problem. If the property owner fails to react, the County will correct the problem and bill the property owner for all incurred expenses.

Roosevelt County ditches will be cleaned out by the Road Department. The County reserves the right to remove culverts if determined to be a hazard. If the County is at fault for the damage, the County will replace the culvert at no cost to the landowner.

Excavating, Cross Cuts or Other Cuts on County Maintained Roads.

No entity, third-party, governmental body, individual Franchisee, utility, whether public or private, or other entity shall do any excavating, cross cutting, digging, trenching or any other work on or across a County Maintained Road without first contacting the Roosevelt County Road Superintendent, completing and submitting the appropriate application, together with any and all application fees, to perform such work. A separate permit shall be required for each and every crosscut or other cuts on County Maintained Roads. In the event of an actual emergency, the application may be approved by the concurrence of the Roosevelt County Road Superintendent and the County Manager, but only after all of the appropriate paperwork has been approved and the application fees paid. All forms are provided by the Road Department or Roosevelt County website. (Appendix A)

An administrative fee of \$50.00 must accompany this application. Before the application is approved by County, applicant will be required to pay County the following sums to cover the County's costs. For utilities zero to ten inches (0"-10") in width, \$75.00; for utilities eleven to twenty inches (11"- 20") in width, \$150.00; for utilities larger than twenty-one inches (21 ") in width, \$300.00. There will not be a charge for road cuts made on County Maintained Roads constructed of dirt. All other road cuts to County Maintained Roads will be assessed the charge.

All installations will be made in strict accordance with the detailed plan and profile drawing submitted by applicant. It is further understood that the County will not be responsible for any maintenance of any utility installed in a County Maintained Road, right-of-way or easement.

All County Maintained Roads that are asphalt, chip sealed, pavement, concrete or have base course (caliche) must be bored.

All utility installations must be thirty-six inches (36") below point of the road cross section, except high pressure gas lines, which must be forty-eight inches (48") below the lowest point of the road cross section. High-pressure gas lines shall be clearly marked with appropriate warning signs where the line intersects the road, right-of-way or easement.

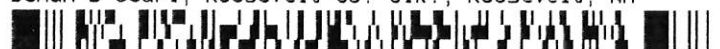


All utility facilities parallel to a County Maintained Road and associated manholes, junction boxes or any other above-grade apparatus shall be installed within five feet of the outer right-of-way line. Minor variations will be considered on an individual basis. In no event shall the installation be within close proximity of traveled portion of the roadway as to interfere with off-road parking or road maintenance. Above-grade apparatus must be clearly marked with a delineated warning marker acceptable to the Road Department. All at-grade valve or junction boxes located in the road's driving surface or shoulder must be protected with an at-graded two foot (2') by two foot (2') by six inch (6") concrete collar.

All trenches parallel to the roadway that are outside of the roadway fore slopes shall be backfilled in six inch increments for compaction.

Driveways.

Any entity, or third party, governmental body, individual franchisee, utility, whether public or private or other entity that needs a driveway to enter their land from County right-of-way must fill out the appropriate application. An administrative fee of \$50.00 must accompany this application. When Roosevelt County Road Superintendent receives application, he or she will decide what materials will be needed to complete the project in the right-of-way, at the expense of the applicant, i.e. concrete, culvert, base course. All forms are provided by Road Department or Roosevelt County website. (Appendix A)



SECTION VII: AGREEMENT REQUIRED FOR EXCHANGE OF BENEFITS FOR ROAD WORK

County Work on Privately Owned Property. The County shall not perform work or perform any services on privately owned roads or property. No County equipment shall be used on private property unless approval by the County Manager and a Hold Harmless Agreement has been signed.

Work on County Maintained Roads by Private Parties. Private parties shall not perform any Road Construction work (such as plowing, disking, ripping, rebuilding, etc.) on County Maintained Roads except as may be specifically authorized by the County Commission in a written agreement. Private parties may enter into an agreement with the County to perform certain work and/or provide improvement on County Maintained Roads when such an agreement would be in the best interest of the citizens of Roosevelt County and provide an improvement on an existing County Maintained Road. No work shall be formed until and unless the landowner has completed and submitted to the Roosevelt County Road Superintendent. Only upon approval by the Board of Roosevelt County Commissioners, shall said individual be authorized to work on County Maintained Roads or County Property. Private parties shall provide signage and traffic control devices, at their expense, and as required by the Manual on Uniform Traffic Control Devices. Said form shall contain the following provisions:

Liability. The private party agrees to assume all liability and be responsible for any actions that may result from any injury or damage that may occur while road work is being performed by the private party and shall hold the County harmless and indemnify the County from any claims for personal injury or property damage or other loss, including attorney's fees, occurring during such road work. The private party shall be required to provide appropriate insurance coverage including bodily injury and property damage naming the County as an additional insured. Such liability and responsibility shall remain from the time that the work is commenced until it is completed and approved as acceptable by the Roosevelt County Road Superintendent. Nothing contained herein shall be construed as waiving any of the protections afforded the County pursuant to the New Mexico Tort Claims Act, NMSA §41-4-1 et. seq.

Notification of County. The private party agrees to notify the Roosevelt County Road Superintendent, prior to the start of work, of the location of the proposed work, the type of proposed work, and the date that said work will start.

Minimum Standards. The private party agrees that any road work performed on County Maintained Roads shall meet the minimum standards to satisfy the County for such improvements.

It shall be the duty and responsibility of the Roosevelt County Road Superintendent to insure that each agreement strictly complies with the provisions contained above and to inspect the work as it is ongoing to determine that the agreement is being fulfilled. No private party shall perform any work on any County Maintained Road until a written agreement has been completed unless the Roosevelt County Road Superintendent, or



his representative designated by the County Commission, shall determine that an emergency situation exists requiring immediate action. In an emergency situation, the Roosevelt County Road Superintendent may verbally authorize the work under the terms and conditions set forth in this section. A written agreement must be prepared within five days of the verbal authorization and be signed by the Roosevelt County Road Superintendent and the County Manager and submitted to the Board of County Commissioners for ratification at the next scheduled County Commission meeting. Private party warrants that the back fill used shall be in compliance with County standards and shall agree to repair and/or replace any failing or defective back fill for one year. The Roosevelt County Road Superintendent shall conduct a ninety (90) day, six (6) month and one year inspection.

Mowing of grass in right of way, pushing snow, and etc. This is not included as "work on County Maintained Roads by private parties". The policies listed in Section VI., (1), (2) and (3) are meant to keep destructive acts from happening on County Maintained Roads. This is not meant to deter the general public from good faith efforts to clear County Maintained Roads of weeds, snow or etc

Donations of Privately Owned Materials. Nothing contained in this section of the Roosevelt County Maintained Road Policy shall prohibit or in any way restrict the donation of road materials (caliche, gravel, water, etc.) to the County when such donation is free of charge and involves no expense to the County other than transporting the materials to the road site for use. The County of Roosevelt specifically recognizes in this policy that the farmers and ranchers of Roosevelt County have throughout the history of Roosevelt County provided materials to the County for use in maintenance and construction of roads, often at no charge to the County. Such donations by these citizens have proven to be an invaluable aid to the County in its attempts to construct and maintain a viable road system; and is hereby specifically encouraged as a benefit to the citizens of Roosevelt County in that it saves expenditures of funds and man hours. An agreement must be signed by the County and the landowner for the donation.



SECTION VIII: MISCELLANEOUS PROVISIONS

Pavement, Gravel, Culverts, Weed Control, Traffic Signs. The County may pave, gravel, install culverts, install cattle guards, perform weed control and install signs on any County Maintained Road or public right-of-way at its discretion. In addition, upon citizen request, the County may perform any of the above on a County Maintained Road if it is determined to be necessary and is in the best interest of the County. Any requested improvements will be prioritized based on need and will be contingent upon available funding, manpower and equipment.

Pavement. Currently paved roads will be maintained at that level including asphalt patching and resurfacing when determined to be necessary by the County.

Chipseal. Currently chip sealed roads will be maintained at that level including routine quarterly blading and dust control when determined to be necessary by the County.

Weed Control. Mowing will be done on County Maintained Roads when weed growth obstructs the visibility of traffic and/or pedestrian ingress and egress.

Road Signs and Maintenance. The placement of all traffic signs will be performed in compliance with the Manual on Uniform Traffic Control Devices (MUTCD). Roosevelt County has a responsibility for correcting any unsafe County Maintained Road and signage conditions within a reasonable period of time after notification or identification of a hazard. When working or traveling on County Maintained Roads, all Roosevelt County staff are expected to monitor road and signage conditions and immediately report any hazard or defect to the Road Department.

Citizen Complaint Reports. Periodically citizens report hazardous road or signage conditions on County Maintained Roads. Employees receiving a complaint are expected to immediately forward the complaint to the Roosevelt County Road Superintendent's office or County Administration.



Appendix A
Application for Permit to Install Facilities within Public Right-of-Way

20171753 06/07/2017 09:03:30 AM
Page: 20 of 25 Fee: 0.00 ORD
DeAun D Searl, Roosevelt Co. Clk., Roosevelt, NM





Application for Permit to Install Facilities within Public Right-of-Way

Submit To: County of Roosevelt
109 W. First Street
Portales, NM. 88130
Phone# 575.356.5307

Treasurer's Office

Permit # _____

Original Permit: ☐

Renewal Permit: ☐

There will be at least a 10 day processing period for each application. Verbal approvals will be given upon Road Superintendent's discretion.

The undersigned _____
(Applicant/Company) (Name/Pipeline Owner) (Telephone Number)
of _____
(Mailing Address) (City) (State) (Zip Code)
herewith makes application to install the following facility _____
(water, sewer, oil, gas, steam, electric, telephone, other)

in the following location: County Road #.: _____ Township: _____ Range: _____ Section(s): _____

Other descriptive information _____

CHECK ONE (I) IN EACH CATEGORY:

Type of Installation: ☐ Sub Surface ☐ Overhead ☐ Cattle Guard
☐ Boring ☐ Driveway

Installation: ☐ Road Cut
☐ Parallel Along Right-Of-Way

County Road Surface: ☐ Base Course ☐ Chip Seal
☐ Pit Run Caliche Base ☐ Concrete

If Applicant desires to cross by making a road cut, state reasons for doing so: _____

Contact the Road Department at 575.356.5942 upon start date and completion of installation.

Construction work to be undertaken pursuant to the permit herein applied for will commence no sooner than _____
(Start Date) and be completed no later than _____ (Completion Date)

I/We the undersigned Applicant(s) acknowledge that I/We have read and fully understand the "Application Guidelines and Rate Structure" and "Regulations For Use of County Rights-Of-Way for the Installation of Facilities" as approved by the Roosevelt County Board of Commissioners in Resolution 2017-26 (as amended), and will abide by all provisions therein.

(Authorized Signature) (Printed Name) (Title)/(phone Number) (Date)

FOR COUNTY USE ONLY

Application Fee \$50.00

Culvert Fee \$300.00

Road Cut Fee \$75.00 \$150.00 \$300.00
0-10" 11"-20" 21"+

Driveway \$ _____

Treasurer's Office _____

Application: ☐ Approved ☐ Not Approved

If not approved, give reason: _____

By _____ (Road Superintendent) (Date)

This permit will be in effect for _____ years. (Permits will not be issued for a period longer than ten (10) years, except for public utility companies, which will be issued for no longer than twenty-five (25) years. The Applicant upon expiration must renew permits, and the burden of timely renewal is on the Applicant.

DATE OF ISSUE: _____

DATE OF EXPIRATION: : _____

Created 03/29/2017

20171753 06/07/2017 09:03:30 AM

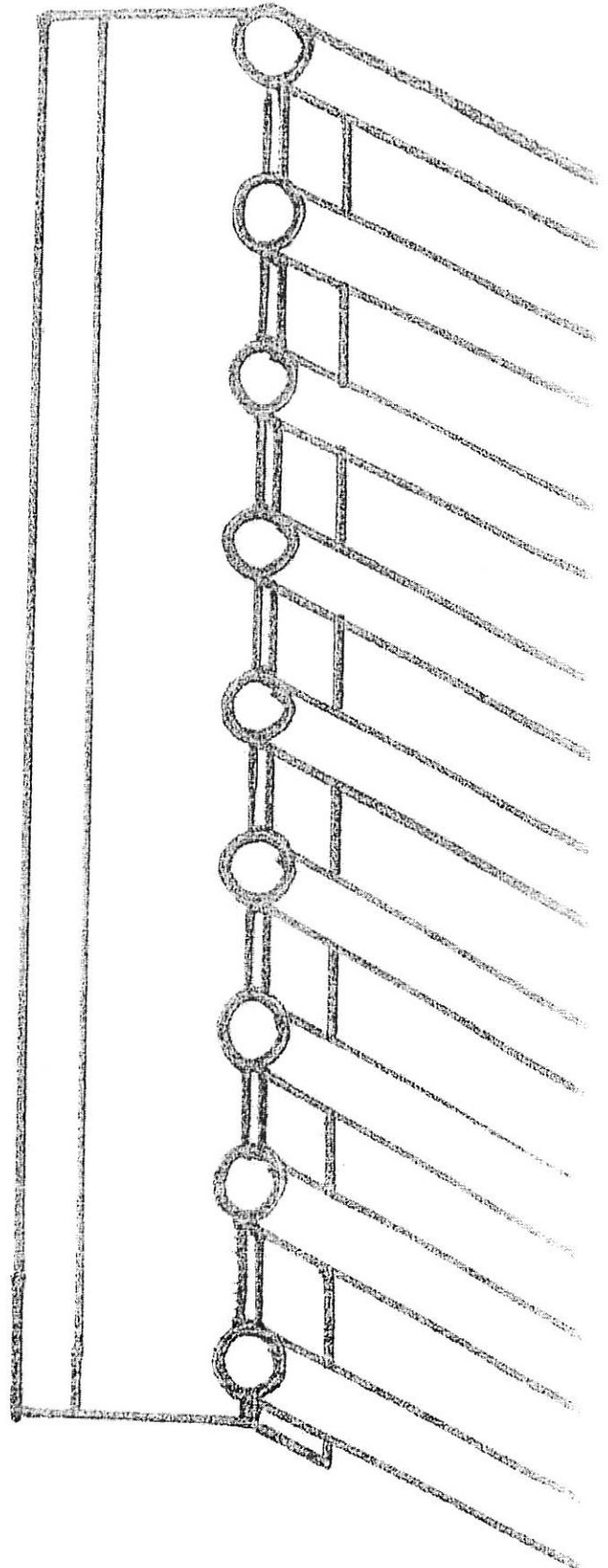
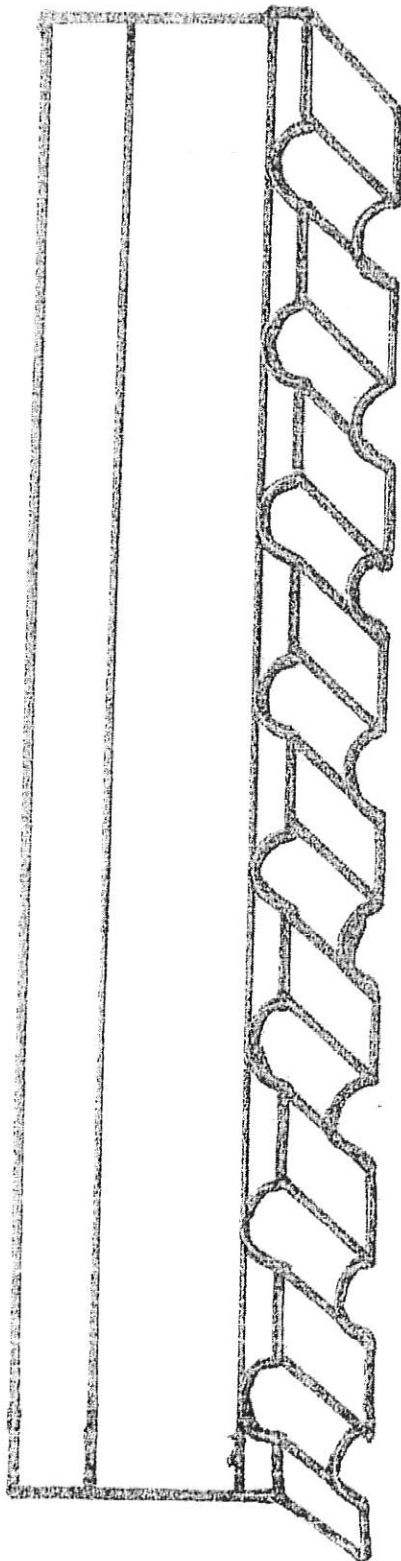
Page: 21 of 25 Fee: 0.00 ORD
DeAnn D Searl, Roosevelt Co. Clk., Roosevelt, NM

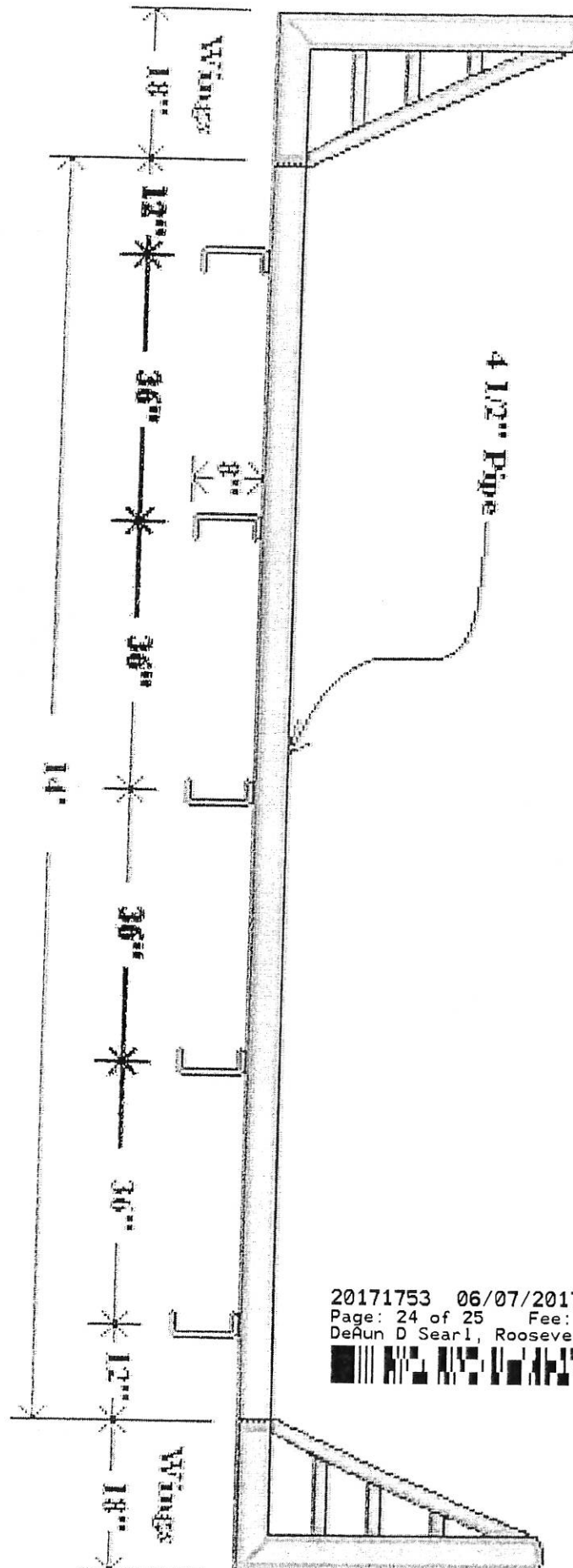


Appendix B

Cattle Guard Specifications







20171753 06/07/2017 09:03:30 AM

Page: 24 of 25 Fee: 0.00 ORD
DeAun D Searl, Roosevelt Co. Clk., Roosevelt, NM



BASE SPECIFICATIONS:

I-Beam Runner

8" rated 10 lbs. (equivalent of 3/16 thickness)

1 1/2" Saddle, each Saddle 7" apart, center to center

5 I-Beam Runners for base, 5' apart for a 20' cattle guard span, over 20' span add another I-Beam Runner for every 5'.

Cover I-Beam with faceplates on both approaches, with a minimum faceplate of 1/8" X 8" X length of guard.

Floor Rails

2 7/8" pipe

13 pipes on a 7" wide cattle guard

Wings

Folding or collapsible wings

Please call Road Superintendent if pipe exceeds specifications.

FOLDING
(COLLAPSEABLE)
WINGS

FOLDING
(COLLAPSEABLE)
WINGS

20171753 06/07/2017 09:03:30 AM
Page: 25 of 25 Fee: 0.00 ORD
Defun D Searl, Roosevelt Co. CLK., Roosevelt, NM

