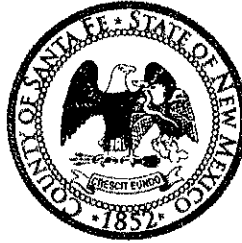


Daniel "Danny" Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: *FEBRUARY 2, 2012*

TO: *BOARD OF COUNTY COMMISSIONERS*

VIA: *KATHERINE MILLER, COUNTY MANAGER*

FROM: *ADAM LEIGLAND, PUBLIC WORKS DEPARTMENT DIRECTOR* *ML*

SUBJECT: *BCC MEETING FEBRUARY 28, 2012*
ORDINANCE NO. 2012-___, AN ORDINANCE AMENDING ORDINANCE NO. 2010-17, "TO EXPAND THE LIST OF ROADWAYS WITHIN SANTA FE COUNTY WHERE ENGINE RETARDERS ARE PROHIBITED" (FINAL PUBLIC HEARING)
(TRANSPORTATION AND SOLID WASTE DIVISION, ADAM LEIGLAND)

BACKGROUND AND SUMMARY:

The Board of County Commissioners (BCC) authorized Public Works to publish title and general summary at the January 31, 2012 BCC meeting. A public hearing is required prior to amending the said Ordinance. The Public Works Department is requesting to amend Ordinance 2010-17, an Ordinance prohibiting the use of Engine Retarders to include additional roads and road segments in Santa Fe County. Ordinance 2010-17 repealed certain provisions of Ordinance 1999-12 to further expand on the list of roadways.

The Public Works Department seeks to include the following roads and road segments:

- I-25 between the Old Pecos Trail exit #284 and Lamy exit #290 at US 285.
- NM 14 between mile posts (23) thru (38).
- County Road 42 or Camino de Los Abuelos extending east from State Road 14 to State Road 41, a distance of 9.33 miles.
- County Road 45 or Bonanza Creek Road extending north from State Road 14 to the I-25 Frontage Road, a distance of 6.72 miles.
- On Santa Fe County Road 70 or West Alameda, and extending from the City of Santa Fe limits west to Via Abajo Road, a distance of 2.27 miles.
- On State Road 344, including any frontage road, ramps and intersections to include mile posts (1) thru (7).

ACTION REQUESTED:

An Ordinance amending Ordinance No. 2010-17, "To expand the list of roadways within Santa Fe County where Engine Retarders are Prohibited"

**THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY
ORDINANCE NO. 2012 -**

**AN ORDINANCE AMENDING ORDINANCE NO. 2010-17 TO EXPAND THE
LIST OF ROADWAYS WITHIN SANTA FE COUNTY WHERE ENGINE
RETARDERS ARE PROHIBITED**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE, NEW MEXICO:**

Section 1. Amendment to expand the list of roadways within Santa Fe County where engine retarders are prohibited. Section 5 of Ordinance No. 2010-17 shall be and is hereby amended to expand the list of portions of roadway within Santa Fe County where the use of engine retarders are prohibited as follows:

- F. On Interstate 25, between Old Pecos Trail exit #284 and Lamy exit # 290 at US 285.
- G. On State Route 14 between mile post twenty-three through mile post thirty-eight.
- H. On Santa Fe County Road 42 or Camino de Los Abuelos, and extending east from State Route 14 to State Route 41, a distance of 9.33 miles.
- I. On Santa Fe County Road 45 or Bonanza Creek Road, and extending north from State Route 14 to Interstate 25 Frontage Road, a distance of 6.72 miles.
- J. On Santa Fe County Road 70 or West Alameda, and extending from the City of Santa Fe limits west to Via Abajo road, a distance of 2.27 miles.

PASSED, APPROVED, AND ENACTED this ____ day of _____, 2012,
by the Board of County Commissioners of Santa Fe County.

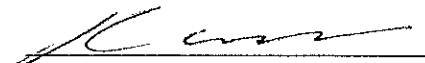
BOARD OF COUNTY COMMISSIONERS

Liz Stefanics, Chair

ATTEST:

Valerie Espinoza
Santa Fe County Clerk

Approved as to form:



Stephen C. Ross, County Attorney

**THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY**

ORDINANCE NO. 2010 - 17

**AN ORDINANCE AMENDING ORDINANCE NO. 1999-12, WHICH PROHIBITS THE
USE OF ENGINE RETARDERS, TO INCLUDE ADDITIONAL PORTIONS OF
HIGHWAY 84/285 AND REPEALING CERTAIN PROVISIONS OF ORDINANCE NO.
1999-12**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE, NEW MEXICO:**

**Section One. Amendment to include additional portions of U.S. Highway 84/285.
Section 5 ("Engine retarders prohibited") of Ordinance No. 1999-12 shall be and hereby is
amended with the following language:**

**"Section 5. Engine retarders prohibited. The use of engine retarders is
prohibited, except in a bona fide emergency, in the following locations:**

**"A. On U.S. Highway 84/285, including any frontage road, ramps and
intersections, between the Santa Fe city limits at mile marker 167.68 to the
Española city limits at NM 106 at mile marker 186.80.**

**"B. On U.S. Highway 285, including any frontage road, ramps and
intersections, from the intersection with Interstate 25 to the intersection with
County Road 33.**

**"C. On State Route 399, including any frontage road, ramps and
intersections, from U.S. Highway 285 to Interstate 25 within Santa Fe County.**

**"D. On State Route 344, including any frontage road, ramps and
intersections, from milepost sixteen (16) to milepost seventeen (17).**

**E. On that portion of County Road 56 (Airport Road) within Santa Fe
County."**

Section Two. Partial Repeal of Ordinance No. 1999-12.

**Section 5 of Ordinance No. 1999-12 shall be and hereby is repealed and replaced with the
amendatory language provided in this Ordinance.**

**PASSED, APPROVED, AND ENACTED this 14 day of December, 2010, by the
Board of County Commissioners of Santa Fe County.**

SEC CLERK RECORDED 12/20/10

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

By: [Signature]
Harry B. Montoya, Chair

ATTEST:

[Signature]
Valerie Espinoza, County Clerk

Approved as to form:

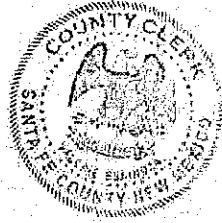
[Signature]
Stephen C. Ross, County Attorney



COUNTY OF SANTA FE) BCC ORDINANCE
STATE OF NEW MEXICO) ss PAGES: 2

I Hereby Certify That This Instrument Was Filed for
Record On The 20TH Day Of January, 2011 at 02:54:29 PM
And Was Duly Recorded as Instrument # 1624389
Of The Records Of Santa Fe County

Deputy [Signature] Witness By Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM



SFC CLERK RECORDS/20/2011

SANTA FE COUNTY**ORDINANCE NO. 1999-12**

AN ORDINANCE PROHIBITING THE USE OF ENGINE RETARDERS ON STATE ROUTE 599 FROM U.S. HIGHWAY 285 TO INTERSTATE 25, ON U.S. HIGHWAY 285 IN THE VICINITY OF THE STATE ROUTE 503/NAMBE INTERSECTION AND FROM THE INTERSECTION WITH INTERSTATE 25 TO THE INTERSECTION WITH COUNTY ROAD 33, ON U.S. HIGHWAY 84/285 FROM THE NORTH ENTRANCE OF THE SANTA FE OPERA TO THE NORTH TESUQUE INTERCHANGE AND ON STATE ROUTE 344 FROM MILEPOST 16 TO MILEPOST 17; REPEALING EMERGENCY ORDINANCES 1999-8 AND 1999-9

Section 1. Short Title

This ordinance may be cited as the "Engine Retarder Ordinance"

Section 2. Repeal of Emergency Ordinances 1999-8 and 1999-9

Emergency Ordinances 1999-8 and 1999-9 are hereby repealed.

Section 3. Purpose and legislative intent

The purpose of this ordinance is to preserve and protect the health, safety and quality of life of the residents of Santa Fe County and to improve the environmental quality of the County.

This ordinance is intended to control noise emissions from engine retarders in the populated areas of the County and to coordinate notification and enforcement efforts between the City of Santa Fe and Santa Fe County.

Section 4. Definitions

For the purpose of this ordinance, the following definitions 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 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.

Section 5. Engine retarders prohibited

The use of engine retarders is prohibited, except in a bona fide emergency, in the following locations:

- A. On U.S. Highway 84/285 from the north entrance to the Santa Fe Opera to the north Tesuque interchange.
- B. On U.S. Highway 285 between a point one (1) mile north of the State Route 503 intersection to a point one and one half (1 1/2) miles south of the State Route 503 intersection.
- C. On U.S. Highway 285 from the intersection with Interstate 25 to the intersection with County Road 33.
- D. On State Route 599 from U.S. Highway 285 to Interstate 25.
- E. On State Route 344 from milepost sixteen (16) to milepost seventeen (17).
- F. On that portion of County Road 56 (Airport Road) within Santa Fe County.

Section 6. Notification

The body(ies) or agency(ies) responsible for maintenance of qualifying roads shall erect and maintain signs, posted in conspicuous locations, indicating that engine retarder use is prohibited.

Provided, however, that the absence of a sign or signs shall not be a defense to a charge of violation of this ordinance.

Section 7. Penalties

Any person violating the provisions of this ordinance shall be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment not to exceed ninety (90) days, or

1707107

both.

Section 8. Conflicts

If at any time this ordinance conflicts with published State Highway Department regulations or policy, the latter shall apply.

PASSED, ADOPTED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY, NEW MEXICO THIS 9th DAY OF November, 1999.



BOARD OF COUNTY COMMISSIONERS

by: [Signature]
Joe Grifé, Chairman

[Signature]
Rebecca Bustamante
Santa Fe County Clerk

Approved as to legal form:

[Signature]
Denice Brown
County Attorney

COUNTY OF SANTA FE
STATE OF NEW MEXICO 1096¹⁸⁸ 699
I hereby certify that this instrument was filed
for record on the 10th day of Nov A.D.
19 99, at 11:49 o'clock am
and was duly recorded in book 1704,
page 105-107 of the records of
Santa Fe County.

Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.
[Signature]
Deputy

