CITY OF ALBUQUERQUE SIXTEENTH COUNCIL

COUNCIL BILL NO. R-382 As Amended ENACTMENT NO. **SPONSORED BY: Debbie OMalley** 1 RESOLUTION 2 ESTABLISHING CITY POLICY FOR THE MONTANO RIVER CROSSING; CALLING 3 FOR THE RECOMMENDATIONS OF THE HPE ENGINEERING STUDY TO BE ADOPTED AS THE POLICY OF THE CITY OF ALBUQUERQUE; CALLING FOR THE 4 5 ADMINISTRATION IN THE INTERIM PRIOR TO THE IMPLEMENTATION OF THE HPE RECOMMENDATIONS TO RE-STRIPE MONTANO WITH 2 GENERAL 6 7 PURPOSE LANES AND 2 HIGH OCCUPANCY VEHICLE LANES (HOV); ADOPTING POLICY REQUIRING THE MAYOR TO IMMEDIATELY RE-STRIPE MONTANO 8 9 ROAD FROM FOURTH STREET TO MONTANO BOULEVARD OR TO PLACE BARRIERS ALONG THIS REACH OF MONTANO TO RESTRICT THE USE OF THE 10 11 CORRIDOR TO TWO LANES. 12 WHEREAS, the Second Judicial District Court, County of Bernalillo, State 13 of New Mexico issued a preliminary injunction preventing the City of Albuquerque 14 from reconfiguring Montano to a four lane configuration until the City Council 15 Determines that it has met any and all requirements of City resolutions and other 16 City Policy; and 17 WHEREAS, in Bill No. R-05-216 (Enactment R-010-2005), the City of Albuquerque called for, and provided funds to conduct, "an evaluation of lane 18 19 options for Montano, including High Occupancy Vehicle lanes and bus lanes. 20 This evaluation [would] consider the relationship of a reversible lane on the 21 Montano Bridge with the design, operation, and signalization of Montano Road 22 and the Montano Road and 4th Street Intersection"; and 23 WHEREAS, a City of Albuquerque Selection Advisory Committee issued a 24 Request for Proposal and selected HPE, Inc. to conduct a Transportation

Alternatives Analysis Report pursuant to Bill No. R-05-216; and

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WHEREAS, the City of Albuquerque has received the report from HPE, Inc. including its analysis of lane options for Montano and recommendations for the design of the Montano Road and river crossing; and

WHEREAS, HPE, Inc. report recommends two unrestricted traffic lanes and one permanent reversible High Occupancy Vehicle / Transit lane on the Montano bridge and roadway, which is consistent with the originally adopted Council policy as contained in Bill No. R-306 (Enactment No. 103-1995); and

WHEREAS, Wilson and Company was contracted to provide technical assistance to HPE, Inc. in the performance of HPE's analysis; and

WHEREAS, the City of Albuquerque's policy regarding the Montano Bridge and corridor, as contained in Bill No. R-04-204 (Enactment No. 067-2005) is that the Mayor shall "complete all required procedures and satisfy all requirements" before determining the future use of the facility; and

WHEREAS, the City of Albuquerque's policy regarding the Montano Bridge and corridor, as contained in Bill No. R-04-204 (Enactment No. 067-2005), does not mandate four driving lanes, nor does it specify whether the driving lanes shall be unrestricted use lanes or High Occupancy Vehicle / Transit restricted lanes; and

WHEREAS, a number of critical milestone decisions must be made prior to changing the capacity of the Montano Corridor from the present design of 2 lanes, including but not limited to: the Mid Region Council of Governments must agree to add a reconfigured Montano corridor to the Metropolitan Transportation Plan; the U.S. Army Corps of Engineers must act on the City of Albuquerque's requested modification of the 404 Permit to expand the capacity of the facility from 2 to 4 lanes; the New Mexico State Historic Preservation Office must respond to the request to modify their Memorandum of Understanding with the U.S. Army Corps of Engineers limiting the roadway to 2 lanes between Rio Grande Boulevard and the Montano river crossing, and

WHEREAS, a committee of citizens appointed by the Councilors from City Council Districts 2 and 5 has proposed re-striping the road with two general-purpose lanes and two high occupancy vehicle (HOV) lanes, lowering the speed limit and installing roundabouts at several intersections along the corridor.

WHEREAS, the Mayor ordered that the reach of Montano Road from Fourth Street to Rio Grande Boulevard be re-striped from two lanes to four lanes without the necessary approval of the Mid-Region Council of Governments; and

WHEREAS, the U.S. Environmental Protection Agency and the Federal Highway Administration have written letters to the Mid-Region Council of Governments which state, among other things, the "action taken to implement the Montano Road re-striping project, considered a non-conforming, regionally significant project; potentially violated the regulations that govern air quality transportation planning (23 CFR Part 450)", and "may be in violation of several regulations including the federally approved transportation conformity State Implementation Plan (SIP)"; and

WHEREAS, the U.S. Environmental Protection Agency and the Federal Highway Administration indicated the alleged violations, if proven, might prevent the City from using federal funds to implement "any transportation project" and might result in significant financial penalties; and

WHEREAS, in an article appearing in the West Side edition of the Albuquerque Journal ("November 19, 2005, "Montano Bridge Plan is Still On") the Mayor signaled to rush hour commuters on the portion of Montano Road limited to 2 lanes by the United States Army Corps of Engineers 404 permit that they could cross the solid line and use the break down lanes as traffic lanes with little concern for Albuquerque Police Department (APD) enforcement; and

WHEREAS, it is assumed that the City, through such a statement and the direction given to APD, has incurred significant financial risk should an accident occur on a break down lane by an individual using the lane for regular travel purposes.

BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE THAT:

Section 1. All City actions regarding changing the utilization of Montano Road between Second Street and Coors Boulevard must occur subsequent to and be consistent with the determinations of the Mid Region Council of Governments, the U.S. Army Corps of Engineers, the State Historical Preservation Office, the Second Judicial District Court, and other required actions. No action that would effectively change the number of driving lanes and

specify their use shall be undertaken by the City of Albuquerque prior to these determinations.

Section 2. The policy of the City of Albuquerque is for the Mayor to immediately either re-stripe Montano Road from Fourth Street to Rio Grande Boulevard or to place barriers along this reach of Montano to restrict the use of the corridor to two lanes until such time as all relevant procedural and legal requirements to increase number of lanes on Montano Road have been met.

Section 3. The City's policy, consistent with recommendations of HPE, Inc. and subject to the appropriate agency approvals, is that the Montano Crossing and facility between Coors Boulevard and 4th Street shall be limited to no more than two lanes with unrestricted use (except for the truck weight limitation as provided in the Corp of Engineers' 404 Permit) and one reversible direction lane which shall be reserved for restricted use by High Occupancy Vehicles and Buses.

Section 4. Until the policy stated in Section 3 of this resolution can be implemented, Montano Crossing and facility between Coors Boulevard and 4th Street shall function with two general-purpose lanes adjacent to the medians and two High Occupancy Vehicle Lanes adjacent to the bike lane. The HOV lanes shall operate 24 hours a day and shall be restricted for use to those vehicles carrying a driver and one or more passengers.