

STATE OF NEW MEXICO

NEW MEXICO DEPARTMENT OF TRANSPORTATION

RULES AND REGULATIONS FOR SPECIAL EVENTS, CIVIC FUNCTIONS, OR FILMING ON HIGHWAYS

PURPOSE

The purpose of these rules and regulations is to set forth the requirements for the public to obtain the approval of the New Mexico Department of Transportation (NMDOT) for the temporary closing or blocking of all or a portion of an interstate, United States Highway or New Mexico State highway in order to conduct thereon a special event and to minimize the inconvenience to the traveling public caused by the occurrence of such events on the highways.

APPLICABILITY

The rules and regulations are applicable to special events or civic functions which may require or necessitate the temporary closing or blocking of a highway under the jurisdiction and maintenance responsibility of the NMDOT, or the re-routing of highway traffic and where in accordance with the law.

STATUTORY AUTHORITY

Sections 66-3-702; 66-7-7; 66-7-320; 66-7-321; 66-7-339; 66-7-363; 66-8-115; 66-9-9; 67-3-40, N.M.S.A. 1978 as amended, and other applicable motor vehicle laws.

DEFINITIONS

As used in these rules and regulations, the following definitions apply:

District Representative – District Traffic Engineer, Assistant District Traffic Engineer, Permit Agent or other District personnel *certified* in traffic control standards and procedures that have been delegated the authority to make changes to the requirements and conditions of an approved plan and/or permit and who has the authority to cancel the event if necessary.

Full Closure – Completely closing the roadway in either direction or both directions for any period of time by use of flaggers, barricades, or police road block.

Non-Traffic Control Related Obstruction – Non-vehicular processions or group ride events (pedestrian, bicycle, horseback, etc.) that are not considered official race events occurring outside of the driving lanes but within the roadway right of way that may/will occupy or obstruct any part of the roadway shoulder or clear-zone.

Partial Closure – Closing, blocking or obstructing the shoulder, a single lane or multiple lanes on a multilane roadway for any period of time by use of flaggers, barricades, by police road block or with any other non-traffic control related obstruction.

Rolling Road Block – The closing of the roadway by using police officers to temporarily slow traffic in lieu of closing the road. The traffic is paced at a safe speed (not less than 20 mph for rural arterials) to provide a gap in traffic and allow the special event activities to be performed. The pacing of traffic is controlled by marked police vehicles with emergency lights flashing. Any on-ramps between the beginning point of the pacing area and the work area are blocked until the pilot vehicle has passed.

Significant Traffic Impact – An impact that results in a delay to the traveler in excess of 20 minutes above their normal travel delay

Special Event – Any private or civic function, including but not limited to, an organized bicycle, pedestrian, equestrian, or vehicle event (race, procession, protest, etc.), use of a highway by snowmobiles (where it is in accordance with the law), horses, motorized bicycle, etc., parade or celebration, public agency ceremonial events (including ribbon cutting and press conferences), and filming activities that uses the roadway for non-transportation related purposes.

Temporary closing - Any shutting off, blocking, re-routing, or other restriction of the normal use of a highway.

PROCEDURE

1. **Application by sponsor.** The sponsor or other person responsible for a special event described in the PURPOSE section which is to take place on an interstate, United States or State highway shall at least 30 days prior to the event, submit an application to the District Engineer (as delegated by the Secretary of the NMDOT). Approval of the local governing body where the event is to pass through must be acquired prior to NMDOT approval. The applicant is also responsible for coordinating traffic control, police support and providing an insurance policy per requirements established in Section 3.4 of this permit policy. An application may be obtained at any District Office or at the Traffic Services Bureau at the General Office. The NMDOT will normally require at least thirty (30) days to review the notice of intent and consult with applicants where necessary prior to making a decision. This time may be extended if necessary to provide for the closure of the highway by local authorities.
2. **Application Consultation.** Upon receiving the application, the District will contact the applicant to schedule a consultation meeting to review the application to determine the level of effort required for approval.
3. **Permit Requirements.**
 - 3.1. *Closures:*
 - 3.1.1. For the purposes of determining the level of closure; a *significant traffic impact is an impact that results in a delay to the traveler in excess of 20 minutes above their normal travel delay.* Delays of more than 30 minutes will not be permitted for

filming purposes. Proposed special events shall conform to the following requirements based on roadway functional classification:

Interstates (Rural and Urban): Only special events that do not require traffic control and do not provide a safety hazard to the traveling public or the participants in the event will be allowed on the interstates. These include activities occurring on the roadway shoulders, tapers or within the clear-zone, such as motor vehicle, motorcycle, bicycle, equestrian and/or pedestrian processions and caravans.

Urban Arterials & Collectors: Full closures with detours, partial closures and rolling roadblocks that will result in delays less than 30 minutes in non-peak traffic conditions will be allowed. No special events will be allowed during peak traffic periods. Peak traffic conditions will be established by the District Traffic Engineer based on available data. Local government permits and approvals will be required where applicable but the applicant's compliance with local requirements does not exempt them from this process or from obtaining a NMDOT special event permit.

Rural Arterials and Rural Major Collectors: Full closures less than 15 minutes or with overall delay less than 30 minutes and partial closures and rolling roadblocks resulting in delays less than 30 minutes in non-peak traffic conditions will be allowed. Full closures will only be allowed where a detour can be provided and where access can be provided without delay for emergency vehicles. No special events will be allowed during peak traffic periods. Peak traffic conditions will be established by the District Traffic Engineer based on available data.

Minor Collectors: Full closures less than 15 minutes, partial closures and rolling roadblocks will be allowed. In no case shall the activities result in a delay greater than 30 minutes in non-peak traffic conditions. No special events will be allowed during peak traffic periods. Peak traffic conditions will be established by the District Traffic Engineer based on available data.

3.2. *Federal Roadways:* The following list of roadways are federally designated routes and will require approval by the NM Federal Highway Administration Division Office Representative:

Federally Designated Routes

- Interstate 10 from Arizona state line to Texas state line
- Interstate 25 from I-10 to Colorado state line
- Interstate 40 from Arizona state line to Texas state line
- US 56 from I-25 (Springer) to Oklahoma state line
- US 60 from Arizona state line to I-25 (Socorro)
- US 62 from US 285 (Carlsbad) to Texas state line
- US 64 from Arizona state line to NM 516 (Farmington)
- US 70 from Arizona state line to I-10 (Lordsburg)

- US 70 from I-10 (Las Cruces) to US 54 (Tularosa)
- US 70 from US 285 (Roswell) to US 84 (Clovis)
- NM 80 from Arizona state line to I-10 (Road Rocks)
- US 84 from Texas state line (Clovis) to Colorado state line
- US 87 from US 56 (Clayton) to Texas state line
- US 160 from Arizona state line (Four Corners) to Colorado state line
- US 285 from Texas state line to Colorado state line
- US 491 from I-40 (Gallup) to Colorado state line
- US 516 from US 64 (Farmington) to US 550 (Aztec)
- US 550 from NM 516 (Aztec) to Colorado state line

Strategic Highway Network

- US 70 from I-25 (Las Cruces) to US 84 (Clovis) including the following connectors
- US 54 from Alamogordo to Tularosa
- US 285 through Roswell connection the two sections of US 70.
- US 84 from I-40 to I-25 (Sheridan)
- US 491 from I-40 (Gallup) to Colorado state line

Congressional High Priority

- US 54 from Texas state line (South of Anthony) to Texas state line (east of Nara Visa), include I-40 from Santa Rosa to Tucumcari

WIPP Routes

- NM 502 from Los Alamos to US 84/285 (Pojoaque)
- US 84/285 from NM 502 (Pojoaque) to Texas state line (Carlsbad)
- US 62 from US 285 (Carlsbad) to DOE WIPP Access Road

3.3. Application Requirements

- 3.3.1. A Maintenance of Traffic (MOT) Plan will be required for any special event resulting in a significant traffic impact. The Maintenance of Traffic Plan shall contain a traffic analysis to determine the delay to traveling public, traffic control plans, emergency/incident management plan, and public involvement plans.
- 3.3.2. For special events with less than significant traffic impacts or special events that occur on a regular basis (annual parades, festivals or fairs), the District will determine the level of traffic analysis and public involvement required. Traffic control and emergency/incident management plans will be required for all activities regardless of the level of impact but the level of detail will be based on the extent of the impacts to the traveling public as determined by the District.
- 3.3.3. Special events crossing District boundaries will require coordination with the State Traffic Services Engineer.

3.4. Insurance Requirements – The applicant shall provide an insurance policy naming the NMDOT as the insured party. The requirement for insurance are as follows:

- 3.4.1. County Government, Local Government, or School District – No insurance will be required, however the District Engineer may require insurance based on the conditions of the request.
- 3.4.2. Non-Profit organizations – A \$1,000,000.00 policy will be required

3.4.3. Filming Events and other For-Profit Events – A minimum \$2,000,000.00 policy will be required. The District Engineer may require additional insurance based on the proposed activities.

4. **Review the application.** The Secretary has designated the review of the application to the District Office. The District shall review the application for the proposed event in coordination with the New Mexico State Police Film Coordination Officer (Sgt. Jeff Ray, 505-350-6686) and the local authorities within whose jurisdiction the special event is to take place to ensure all necessary arrangements and agreements are in place for law enforcement support.
5. **Action by local authorities.** Local authorities within their respective jurisdiction may by ordinance or resolution (or other action consistent with state statute) provide for the temporary closing to vehicular traffic of any portion of the highway during a specified period of the day for the purpose of celebrations, parades, and special local events, civic functions or filming when in the opinion of said authorities, such temporary closing is necessary for the safety and protection of persons who are to use that portion of the highway during the temporary closing. Section 66-7-9, N.M.S.A. 1978 as amended.
6. **Approval by NMDOT and FHWA (as required).** Any temporary closing of a roadway by full or partial closure or rolling roadblock and any re-routing of highway traffic shall have the approval of the NMDOT and FHWA (for NHS and National Network Routes, see Section 3.2) seven (7) calendar days prior to the scheduled closing and/or re-routing. The District will be responsible for coordinating with the FHWA representative. The FHWA NM Division Office has the discretion to defer approval of reoccurring events such as annual festivals, parades, or celebrations to the District Office. The District can provide information pertaining to reoccurring events to the FHWA representative for consideration and establishment of the terms and conditions of the deferral.
7. **State/Local Agreements.** Where the special event is a civic event sponsored by a municipal or county government and the applicant is the municipality and/or county, this permit will constitute an agreement between the NMDOT and local Municipal and/or County authorities for the establishment of signing, marking of appropriate detours and alternative routes which jointly effect state and local road systems. If necessary, the applicant may be requested to participate in the preparation of an additional joint powers agreement or to provide additional information not contained in the notice of intent.
8. **Notice to Applicant.** The Secretary or Secretary's Designee shall, within thirty (30) days of receipt of notice, inform the sponsor in writing of the action taken on the notice, including the recommended approval and conditions of the approval or disapproval of a temporary closing determined to be necessary by local authorities; and any re-routing of non-interstate highway traffic.
9. **Cancellation or Rescheduling.**
 - 9.1. *At the request of the applicant:* The District shall be notified as soon as possible of any cancellations or requests to reschedule and unless otherwise noted in the approved

permit documentation, the following minimum notification times shall apply in order to advise the public:

9.1.1. Cancellation: A minimum a 24 hour notice should be given.

9.1.2. Rescheduling a Cancelled Event:

9.1.2.1. A minimum notice of 48 hours will be required for rescheduling a canceled special event on a minor collector.

9.1.2.2. A minimum notice of 72 hours will be required for rescheduling a canceled special event on major collectors and arterials.

9.1.3. Additional notice may be required as determined by the District due to the specific event or conditions in the approved public information plan or MOT plan.

9.2. *At the direction of the District or law enforcement:* The District Traffic Engineer or Permit Agent upon inspection may modify the requirements and conditions or may cancel the event based on field conditions, if they deem the traffic control set up is unsatisfactory or not in compliance with the approved permit or have concerns regarding the delay of traffic based on the current traffic conditions.

9.2.1. Special Requirements for Filming Or Other For-Profit Events: The event's sponsor shall contract with the NM State Police to provide an officer to provide traffic support and to remain on-site during the duration of the event to supervise activities and traffic operations. A District Traffic Support representative will remain available; by phone, during the event in order to make adjustments if needed once the activities have begun. **The District representative and law enforcement personnel have full authority to cancel the event at any time and without notice due to safety or operational concerns.** Once the event has concluded and traffic control has been removed the State Police and/or District's representative will conduct a final inspection prior to the event staff leaving the site to ensure the facility has been restored to it original state.

10. As a condition of receiving permission to conduct a special event, civic function or filming, the NMDOT shall require the participants in the special event, civic function, or filming activity to execute release of liability, indemnity and hold harmless agreements and may also require proof of insurance coverage for any liability arising out of the special event or civic function.

STATE OF NEW MEXICO
NEW MEXICO DEPARTMENT OF TRANSPORTATION

**APPLICATION TO CONDUCT SPECIAL EVENT, CIVIC FUNCTION OR
FILMING ON A HIGHWAY**

Organization/Company Name _____ Date of Application _____

Phone _____ Event Date _____

Organization/Company Address _____

Agent Name _____ Title _____

Insurance Provider: _____ Policy # _____

Event Description _____

Duration From _____ To _____ Highway # _____

Proposed Route _____

Municipality or County Where Event Will Occur _____

Approval Given By (City Council, County Commissioners, Etc.) _____

Describe Traffic Control To Be Used (Signing, Barricades & Police Enforcement):

Is Detour Proposed? Yes (Describe Below) No

Please Attach a Map or Diagram of The Route Showing All Control Points and Detours.

Please Explain the Necessity for Using the Non-Interstate Highway for This Event

Will Animals or Dangerous Vehicles, Items or Substances Be Used in the Event?

If Yes, Explain _____

Sponsor's Signature _____ Date _____

Co-Sponsor's Signature _____ Date _____

*****FOR DEPARTMENT USE ONLY BELOW THIS LINE*****

Roadway Functional Classification _____ Urban Rural

AADT (Year _____) _____ Expected Delay (minutes) _____

Type of Closure(s): Full Road Single Lane Shoulder Rolling or Periodic
 Filming At Posted Speed, No Closure Required

Maintenance of Traffic Plan Required? Yes No

If No, Check all Required:

Traffic Analysis Required? No Yes If Yes, Level of Analysis _____

Site Specific Traffic Control Plan NMDOT Typical Traffic Control Layouts

Police Closure NMDOT Maint. Traffic Control Layouts

No Traffic Control, Explain _____

Incident Management Plan List of Emergency Contacts Sufficient

Formal Public Involvement Plan Print/Television Media Announcement

Private Temporary VMS Department Supplied Temporary VMS

District Permit Agent _____ Date _____

District Traffic Engineer _____ Date _____

FHWA Representative _____ Date _____
(NHS and National Network Routes)

Acknowledge Receipt of Approved Permit
District PIO _____ Date _____

Written Notification Sent to State Traffic Operations Engineer, State Traffic Engineer, and Chief
Public Information Officer by _____ Date _____

NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT)

INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

_____ acting through its authorized agent,
_____ agrees to defend, protect, indemnify,
and hold harmless the New Mexico Department of Transportation (NMDOT) harmless from all
personal injury or property damage suffered by the
_____, its members and participates, the
State, or by third parties resulting from the _____
to be held on _____ at or from
_____ on the following route(s)
_____. Additionally the above
agrees to obtain liability insurance covering the event in the policy amount of one million dollars
(\$1,000,000.00) per occurrence, which names the NMDOT as an additional insured. Sponsor
shall provide NMDOT with a certificate of insurance in a form satisfactory to NMDOT as
evidence of the insurance coverage at least seven (7) days prior to the event. Failure to timely
provide a certificate of insurance shall be grounds for cancellation of NMDOT's approval of the
closing of a state highway for the special public event or civic function.

Sponsor's Signature _____

Authorized Agent Signature _____

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20_____

Notary Public Signature _____

My Commission Expires: _____

Genuine