

August 19, 2005

Ms. Jean Manger
Regulatory Project Manager
Department of the Army
Albuquerque District, Corps of Engineers
4101 Jefferson Plaza NE
Albuquerque, NM 87109-3435

Dear Ms. Manger:

I am in receipt of Mr. Daniel Malenchuk's letter dated July 22, 2005 concerning the City of Albuquerque's request to modify the Department of the Army Permit No. NM-OYT-0458 and to restripe Montañño and the Montañño Bridge from two to four lanes.

The Village of Los Ranchos de Albuquerque (the Village) is opposed to restriping the road from two to four lanes. Our opposition to this modification is based on procedural and technical irregularities. As the governing body for the Village we are mindful of the communal and human impact the policy change will have on the Village. The Village is a separate municipality and the City does not have the right to compromise our way of life. Montañño has already divided our Village geographically and created a disharmonious issue with the City. We also recognize that the permit area extends from Rio Grande Boulevard west to Coors Boulevard, but contend that the adverse impacts of this project would be felt over a significantly larger portion of the North Valley. The severity and scale of these impacts cannot be determined because a number of studies referred by the city have not been conducted or are incomplete.

From a procedural basis, it is necessary and prudent to complete the technical studies and to use the results in making an informed decision about a project. In this case, we are concerned that the comments made by Martin Chavez, Mayor of the City of Albuquerque (the City), on December 11, 2004, that "the restriping is going to occur regardless of the results of the technical studies" have effectively prejudiced the process and have created a procedural irregularity.

The Village also believes that it is in the best interest of all parties that all previously agreed upon conditions be completed before any further modifications to the permit or changes to the road be made. Unfortunately, the City remains in non-compliance with the Memorandum of Agreement (MONS) and Special Conditions 8 and 9 for the original project. The City's July 1, 2005 letter confirms that they have failed to provide the required report on the archaeological work and while we are sympathetic that this was caused by a failure on the part of their contractor, the City is ultimately responsible for fulfilling all agreed upon terms and conditions of the MOA.

The claim that they could not find any archaeologists to complete the report is also unconvincing. Inquiries into the professional community have not located the professionals who refused to assist the City in preparing the report. The Village suggests that the Corps of Engineers (COE) obtain a clarification from the City as to the procurement process used in this case as well as a list of the archaeologists consulted for professional assistance in completing this requirement.

Any changes to the MOA, such as that requested to modify the phrase, "These rights-of-way will be used to accommodate only two driving lanes," must be agreed to in writing by all signatories of the MOA before the proposed project is initiated. This clearly has not been done, and it is the Village's contention that recent attempts on the part of the City to restripe without following this process amount to a breach of the MOA. Had it not been for John and Cynthia Sparks, Village residents who obtained a Temporary Restraining Order from the Second Judicial District, Mayor Chavez would have restriped Montañó, see attached

On the technical side, the Village feels that the materials and information provided by the City are insufficient to show justification for the restriping in the near term. The need for additional information and clarification follows:

- 1) The Village contends that the project will have an adverse effect on the Los Poblanos Historic District and other archaeological and historic properties in the area due to effects on the view shed, noise, vibration and air quality caused by the increase in traffic. The Village contends such effects constitute a use as defined under Section 18-8-7 NMSA 1978 of the New Mexico Prehistoric and Historic Sites Preservation Act. Because public funds would be used for the restriping, the City should have conducted Section 7 review of the project in consultation with the New Mexico State Historic Preservation Officer (SHPO). The results of Section 106 consultations with the SHPO should also be made available to the COE. The Village suggests that the Corps of Engineers include the results of these consultations in their review of the modification request.

- 2) On page 5, item 6 of the July 1, 2005 letter from the City, the statement is made that a majority of the tree plantings along the roadway through the Los Poblanos Historic District have been successful. The Village knows of no study supporting this assertion.

If an arborist or qualified biologist has conducted a tree inventory or other examination of the health of these plantings, the Village suggests that the COE obtain a copy of the report to be included in their review of the request for modification. If no such study has been completed to date, then the Village suggests that one be done as some of the trees do not appear to be healthy and the change from two to four lanes may cause their demise, see photos.

3) The Village believes that the response by the City on pages 8 and 9, 3 c., 5, and 6, concerning the project effects on the riparian areas and the threatened and endangered species they might contain, is inadequate. The Village notes that the biological studies of the NM 74 Bridge, as referenced by the City, were conducted in an area along the Rio Grande immediately west of San Juan Pueblo. The level of service and density of homes, commuters and business in this rural area cannot be compared to those of the Montañito Bridge and the permit area. Obviously the volume of the traffic and its timing are very different in San Juan Pueblo from that likely to occur with a four lane Montañito Bridge. For the City to use NM 74 as a comparison to Montañito once again shows the City's irreverence to the process and its unwillingness to factually support their requested modification to a legally binding agreement. The Village questions the integrity and the value of the comparison. Similarly, the Village finds it disappointing that no wetland survey was conducted. The statement on page 9, that a wetland survey was not done because there will be no impacts is not convincing, as impacts can only be assessed after the locations and extent of any wetlands are determined. The Village suggests that the COE request completion of such a study from the City.

4) The argument presented by the City on pages 6 and 7 concerning congestion, levels of service (LOS), safety concerns, as well as traffic (in 3h), remains unconvincing. Even if the argument was accepted, the LOS obtained would remain below the acceptable level. The Village feels that a partial short-term solution such as restriping is not in the interests of the municipalities or the motoring public. This view is supported by a letter (see attachment) from Berry Ives, Transportation Planner, Mid-Region Council of Governments (MRCOG), dated February 9, 2005 to Michael Riordan of the City's Department of Municipal Development. On page 3, Mr. Ives states "This means that the proposed additional lanes will provide no additional capacity on the approaches to these critical intersections." Montañito is classified as a "minor arterial" which means that the trip purpose is for mid-length trips. Will the modification result in upgrading the classification?

The City's argument also appears to rest on the contention that the traffic flow will no longer back up but will flow in a continuous stream. However, the City indicates that the intersections at Montañito and Fourth and Montañito and Second Street will both be under construction this fall. Other construction projects in the area have already been started, (such as our 4th Street Improvement project from Camino Español to Schulte, and the County's work on Edith) that will force traffic to seek alternate routes such as at Second Street and Rio Grande Boulevard, and will continue to add to the back-ups of

traffic in the area. Clearly, restriping to four lanes in an area that immediately feeds into a construction zone at Fourth and Montañó is unlikely to lead to any improvement in traffic flow. Any traffic studies that do not account for the current construction of the I-40/Coors interchange will distort the data and be of little value.

A more comprehensive traffic study is needed prior to reviewing the City's request for modification so that the various needed improvements can be correctly evaluated. Many of the safety and access issues are addressed by the City through the assertion that with four lanes the traffic will "platoon". However, our traffic engineers contend that platooning is best accomplished with signalization or other traffic control devices. For the proposed project, no additional traffic control devices are presented. The Village suggests that the dynamic model run by MRCOG indicates that platooning will not occur and that changes to signal operations, such as cycle lengths, phasing, timing or prohibitions on opposing turns at major intersections should be implemented. With the distance between signals as they currently are, the Village does not accept the City's assertion that restriping will automatically result in platooning. In fact, traffic engineers have suggested just the opposite.

Similarly, on page 14 the claim is made that safety will be enhanced at the Coors and Montañó and Fourth Street and Montañó Intersections. The Village suggests that this claim should be further clarified. Clearly, overall safety may be compromised rather than enhanced. With a four lane configuration any bike riders along the road will no longer be safe. Accidents or mechanical breakdown during peak load will clog lanes and the current access for law enforcement, fire and/or rescue equipment will no longer be available. Finally, with the current shoulder modified into a traffic lane, the ability of rescue professionals to access the bridge in response to an emergency will be compromised and safety diminished as a result.

The City also makes the claim that the Coors Road area has been heavily studied, and implies that no further studies are needed. The Village contends that this is because there are no simple answers to the traffic patterns on and around Montañó Bridge, and the problems in this area cannot be addressed with a simple solution such as restriping what is already a congested arterial.

Moreover, on page 13, item 3h. Traffic, the City makes the statement that changes to access in to and out of the Village would not be affected by the proposed restriping. The Village, however, does not exist in isolation. Current access is off of Second Street, Fourth Street, etc. so any modifications in the area will affect access into and from the Village.

5) It is unclear as to the effect of the modification of the project on the bike lanes along Montañó. The Village suggests that the COE obtain clarification as to whether or not these will be eliminated as part of the restriping. If so, clarification should also be

obtained as to how this will affect the City bike path system overall; and how the safety of the cyclists will be ensured without the current wide shoulders.

6) In response to 3a. Economics, on page 7, the City indicated that no specific economic studies were done for the project. The Village suggests that such a study be requested by the COE, and that the results be reviewed prior to approval of any permit modification.

7) In response to 3b. Aesthetics, on page 8, the City asserts that the area is no longer “rural”. As a separate municipality, the Village has taken aggressive steps to maintain its rural nature including: 280 foot setbacks on Rio Grande Boulevard, purchase of open space, maintenance of a 25 mph speed limit on Rio Grande Boulevard, and cooperation with local entities and interests to expand the Los Poblanos Fields. Unfortunately, the City continues to allow building in the areas under its jurisdiction. While the Village makes no claims about the rural nature of lands under the City’s control, the Village does assert that it has maintained its rural character and that the Los Poblanos Historic District is still rural. The Village’s Master Plan gives emphasis to our rural character, see attached.

8) The Village suggests that additional information regarding the 0.5% heavy truck usage referred to on page 13, 3i., be requested from the City by the COE. The MOA requires the road be kept clear of such vehicles. The traffic scientists who conducted the study should have documented what these trucks were, so that compliance with this term of the MOA could be evaluated.

9) The Village suggests that the various alternatives to this action considered by the City be presented to the COE. For example, was the alternative of creating a by-pass considered? If not, why not?

10) The Village suggests that information be presented to the COE on the project’s cumulative effects and their relation to other projects planned and/or being implemented. Discussion of these cumulative effects is lacking in the submitted document.

Finally, we feel that the request for permit modification by the City of Albuquerque to be so significant in terms of its impacts on the Village of Los Ranchos that the Village requests that a modification to the Department of the Army Permit No. NM-OYT-0458, be made, which makes the Village of Los Ranchos a “party” to the MOA rather than a consulting party. This road clearly dissects our Village, has long range ramifications to our resident’s lifestyles and significantly impacts the future of our Village. We strongly advocate that we must be a party to the MOA.

Thank you for involving the Village of Los Ranchos de Albuquerque in your evaluation of this permit modification request. The Village is committed to continuing its involvement in the Montañño Bridge corridor, and appreciates your continued communication with us. We look forward to receiving the additional information requested so that we can make an adequate evaluation of the effects of the proposed permit modification.

Sincerely yours,

Larry P. Abraham,
Mayor
Village of Los Ranchos de Albuquerque

LA/rt/ea

Cc: Don Lopez, Trustee (w/enclosures)
Pablo Rael, Trustee (w/enclosures)
Mary Homan, Trustee (w/enclosures)
Tim McDonough, Trustee (w/enclosures)

Enclosures:

1. No. CV-2004 - TRO
2. Article from Albuquerque Journal, Andrea Schoellkopf and Carolyn Carlson Journal Staff Writers, dated 7/7/04, see pages 5 and 6
3. Letter from Lynne Sebastian to Harry Stowers, dated 3/4/99
4. Interoffice memo to Mark Sanchez from Robert M. White, dated 4/28/00
5. Letter from Berry Ives to Michael Riordan, dated 2/9/05
6. Letter from Michael Riordan to Berry Ives, dated 1/11/05
7. Village of Los Ranchos De Albuquerque 2010 Master Plan
8. Photos