



Proposal to Amend ARP (New Rule)

NOTE: POLICY SPONSORS COMPLETE FORM ONLY THROUGH SUMMARY BOX

No. ARP 16.86; **Title:** Traffic and Parking Regulations for NMSU Community Colleges

Proposal Sponsor: John Gratton, President, NMSU-Carlsbad
Name, Position and Contact Information: jgratton@nmsu.edu; 575-234-9210

Policy/Rule Administrator: John Gratton, President NMSU- Carlsbad
Name, Position and Contact Information: jgratton@nmsu.edu; 575-234-9210

Summary: This proposal expands the university’s traffic and parking regulations to those community college campuses which elect to initiate a traffic and parking program. NMSU-Carlsbad intends to implement a basic parking program due to a rash of fender benders in their parking lots. Permits will not be sold; however, signage will be posted and violators will be issued warnings and repeat violators may be cited. This proposal was developed through collaboration between the NMSU Police Chief, Office of Transportation and Parking Services, President John Gratton and the Office of University General Counsel.

AAG Meeting Date: February 4, 2019 **Review Period Ends:** March 18, 2019

Assigned Review Track: Academic Track Administrative Track

Assigned Review Groups:			
ACADEMIC DEANS COUNCIL (ADC)		EHS (Environmental Health and Safety)	OFS – OFFICE OF FACILITIES AND SERV.
ADI		EMPLOYEE COUNCIL	POLICE
ADMINISTRATION & FINANCE		FACULTY SENATE	PRESIDENT’S ADVISORY COUNCIL (PAC)
ARROWHEAD CENTER		UNIVERSITY ADVANCEMENT	REAL ESTATE
ASSOCIATE DEANS ACADEMIC COUNCIL		HUMAN RESOURCE SERVICES	UNIVERSITY RESEARCH COUNCIL
ASSOCIATED STUDENTS OF NMSU		ICT – INFORMATION AND COMMUNICATION TECHNOLOGY	VP SAEM
COMMUNITY COLLEGE PRESIDENTS’ COUNCIL		NMDA	<input checked="" type="checkbox"/> Auxiliary Services

All Academic Track Proposals are Subject to Final Review and Recommendation by the Faculty Senate.

ALL PROPOSALS are Subject to Final Review and Recommendation by the University Administrative Council.

16.86 – Traffic and Parking Regulations for Community Colleges

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PART 1: PURPOSE, AUTHORITY AND SCOPE

- A. **Purpose:** This regulation provides for the consistent and fair treatment of students, faculty, staff, affiliates and other visitors at the NMSU community college campuses with regard to optimal use of available parking, and the safe movement of traffic.
- B. **Authority:**
1. This regulation is established pursuant to the authority granted to the New Mexico State University Board of Regents (NMSU) by NMSA 1978, § 29-5-1.1 to promulgate regulations governing the operation and parking of vehicles on property under its control which is not a municipal street or highway.
 2. The NMSU Office of Transportation and Parking Services, working in coordination with the community campus designated Parking Liaisons and other authorized designees of the community college president, and the NMSU Police Department are assigned the responsibility and legal authority for the implementation, application and enforcement of these regulations.
- C. **Scope of Application:** This regulation will become effective at each NMSU community college campus after thirty days formal written notice to the NMSU Police Department and the NMSU Office of Transportation and Parking Services of the community college's intent to institute a traffic and parking program. The NMSU-Carlsbad campus has announced its interest in commencing a traffic and parking program, which will become effective upon adoption of this rule.

PART 2: NOTICE; DEFINITIONS

- A. **Notice:** A copy of this regulation and the Fee Schedule from ARP 16.85, Part 16 will be made available to anyone requesting a copy at the NMSU Office of Transportation and Parking Services and in the Business Office of each community college with a traffic and parking program. The regulations will also be available online at <https://park.nmsu.edu> and <https://carlsbad.nmsu.edu>. The NMSU Office of Transportation and Parking Services serves as a resource to the community colleges and to the extent practicable, implementation of the traffic and parking program at the community colleges will be consistent with implementation of the traffic and parking programs at the NMSU-Las Cruces campus.
- B. **Definitions:** For purposes of this Regulation, the following definitions will apply:
1. **Abandoned Vehicle:** A vehicle is considered abandoned if the vehicle is unattended and not moved from its current location for more than two (2) weeks or is partially dismantled or wrecked.
 2. **Car:** A car is defined as a vehicle licensed for over the road travel, with four wheels and designed to carry a maximum of six (6) adult people. A car is not a pickup or truck

(regardless of size), motorcycle, motorized tricycle, mini-van, SUV, trailer, motorhome or bus.

3. **Parking Stall or Space:** A parking stall or space is that which accommodates a single vehicle and is clearly defined by painted lines on adjacent sides of the vehicle.
 4. **Restricted:** (red) Fire/Emergency zones, (yellow) “no parking” zones, (blue) disabled zones, parking spaces marked with signage as specially reserved, or any other restricted area indicated by signage.
 5. **Unlicensed Vehicle:** A vehicle is considered unlicensed when the vehicle does not display a current license plate or does not display a valid state-issued registration plate and/or current registration sticker.
 6. **Vehicle:** Vehicle refers to any vehicle or device that is propelled by an internal combustion engine, electric or other power that is used or may be used on the roadway for purpose of transporting persons or property, including connected trailers. A vehicle must fit within a single parking stall. Examples of vehicles include but are not limited to: trucks, cars, motorcycles, motor scooters and mopeds.
 7. **Windshield:** The window that is located in front of the driver when facing forward.
- C. **Penalties and Fees:** Any penalties or fees to be imposed for violations of this regulation must be consistent with state law, university rules and regulations at ARP 16.85, or as otherwise approved by the NMSU Board of Regents.
- D. **NMSU Authority to Place Barrier:** Barriers, fences, signs, posts or other traffic or control devices may be placed by the community colleges and/or their authorized agents at any location necessary for the safety of the public and/or work crews. Removal or moving any such safety or warning device is prohibited. Violators will be cited. These must be placed with the approval from the president of the community college or designee authorized in writing, in coordination with Transportation and Parking Services and the NMSU Police Department.
- E. **Individual Responsibility:** The community colleges do not regularly provide security specific to parking areas, and assume no responsibility for the care or protection of vehicles, including their contents, parked on its property; individual owners are encouraged to follow safety guidelines relating to parked vehicles.

PART 3: PARKING REQUIREMENTS

- A. **Prohibited Parking:** Except in compliance with the lawful directions of a traffic control device, a law enforcement officer with jurisdiction, or as otherwise provided in these regulations, it is unlawful to park or stop a motor vehicle as follows:
1. On any sidewalk;
 2. In front of a public or private driveway;
 3. Within 15 feet of a fire hydrant;
 4. On a crosswalk;
 5. Within an intersection;

6. Double parked (meaning parked behind or beside another legally parked vehicle in such a way as to block the second vehicle or to impede the flow of traffic);
7. In any manner inconsistent with official posted signage (e.g. parking in a designated parking area without a permit affixed to windshield, if signage requires a permit);
8. On any landscaped area or dirt area not designated as a parking area;
9. On a thoroughfare (including while loading or unloading passengers);
10. In those areas bordered or outlined by curbs, unless outlined as an authorized parking area;
11. Outside a marked stall or outlined parking area;
12. On the driver's left-hand side of the roadway, facing the wrong lane of traffic (except on one-way streets where on-street parking is permitted);
13. Over 18 inches from any curb;
14. In any timed area over the designated time;
15. In front of areas allowing disabled (accessible) vehicle loading and unloading areas and access ramps (blue curbs, blue pavement, and blue ramps);
16. Within 20 feet of a crosswalk at an intersection;
17. Within 30 feet upon the approach to any stop sign or traffic control signal at the side of a roadway;
18. In any designated bicycle path;
19. In a parking lot driving lane; or
20. Any vehicle overnight in any location on campus without permission.

B. NMSU-Carlsbad Designated Parking Areas: If a parking area is not designated with signage for a specific type of vehicle or purpose, any vehicle may park in it. If a parking area is limited to a specific type of vehicle or purpose, a permit (issued by NMSU-Carlsbad or by the State for Parking for Persons with Disabilities) is required to be displayed on the windshield, with the exception of on-duty NMSU service vehicles, police, fire/EMS vehicles. The NMSU Office of Transportation and Parking hereby establishes the following parking areas on the NMSU Carlsbad campus:

1. Parking for Cars (See definition of "car" above)
2. Parking for Motorcycles
3. Parking for Employee of the Month
4. Parking for Persons with Disabilities
5. Parking for Loading/Unloading

6. Parking for NMSU Service Vehicles

7. Parking for on-duty Police, Fire and EMS Emergency Vehicles

C. **Signage:** Parking areas restricted to a specific type of vehicle or purpose will be marked with appropriate signage. All drivers are required to obey all signage, including temporary signage.

D. **Conflict between Regulations, Designation on Map and Signage:** In the event of a conflict between this regulation and on site signage that specifies parking instructions, the official on-site signage will control.

PART 4: ABANDONED AND UNLICENSED VEHICLES

No abandoned or unlicensed vehicle(s) including will be allowed to remain on NMSU property, including the community college campuses. After a minimum of thirty (30) days have passed from the date a vehicle is first reported or documented as potentially abandoned or unlicensed, and provided the vehicle has not been confirmed as a stolen, legal ownership cannot be determined through standard records checks, and legal/equitable ownership is not claimed by any person, the vehicle will be towed and impounded.

PART 5: ENFORCEMENT

To enforce this regulation, the community college parking liaisons and other authorized designees of the community college president are authorized to work with the Office of Transportation and Parking Services to:

- A. Issue citations, collect fines and fees;
- B. Place vehicle on the “Tow or Boot” list;
- C. Immobilize a vehicle by “booting” the vehicle’s wheel;
- D. Have the vehicle towed and impounded
- E. Prohibit (or cancel at any time during the year) pre-registration or registration for classes;
- F. Refer the faculty, staff or student to the Student Discipline Office or NMSU Office of Human Resource Services, as appropriate for administrative/disciplinary action;
- G. Withhold NMSU records, including academic credits, transcripts, and diplomas until all fines and other fees are paid; or
- H. Employ private collection agencies to collect outstanding unpaid fines and fees.

PART 6: CITATIONS, FINES AND FEES

A. **Issuance of Citation:** The community college campus parking liaisons are hereby granted authority to issue parking citations, consistent with this regulation and guidance from NMSU Office of Transportation and Parking Services.

B. **Fines and Fees:** Pursuant to Section NMSA 1978, §29-5-1.1, et seq., a parking citation must be paid or contested within five (5) business days from the date it was issued. Fines and fees are included at NMSU Parking Fee Schedule.

- C. **Payment of Citation Fines and Fees:** Instructions on how to pay the fines and fees must be included with each citation issued. Payment may be made online at <https://park.nmsu.edu>, in person at the appropriate community college business office during posted hours, or via mail to the business office.
- D. **Fees Related to Towing and Impound:** Fees charged for vehicles towed or booted will be the same as those set forth in ARP 16.85.

PART 7: INFORMAL REVIEW OF CONTESTED CITATIONS

- A. **Request for Review and Reduction to Warning:** An individual who questions the basis for a citation received at the community colleges may present within five (5) days from date of issuance of the citation, to the community college business manager and request an informal review of the citation. Upon such review, if it is evident that the university erred in issuing the citation, the citation may be dismissed without a formal appeal process.
- B. **Eligibility for Reduction of Citation to Warning:** If the individual has not had a citation dismissed or reduced to a warning within the two previous years, the citation may be reduced to a warning and the penalty/fees dismissed, provided the citation was not for parking in a space reserved for persons with disabilities or an emergency/fire zone.
- C. **Consequences if Citation not Reduced to Warning:** If after an initial review, the citation is not dismissed or reduced to a warning, the individual must either pay the applicable fines/fees or contest the citation by filing an appeal.

PART 8: HEARING PROCESS TO CONTEST CITATION

- A. **Availability of Fair and Impartial Appeal Hearing:** A fair and impartial appeal hearing process is provided for those who wish to contest a citation they receive.
- B. **Commencement of Appeal Process/Deadline to Submit:** Citations may be contested by submitting a Citation Appeal Form within five (5) business days of issuance. Forms for citations received at the NMSU-Carlsbad campus may be submitted online or at the NMSU Carlsbad Business Office. The elapse of five (5) business days results in the forfeiture of the individual's right to appeal the citation, and penalties will be assessed.
- C. **Scheduling the Hearing/Failure to Appear:** The community college president's designee will schedule the hearing dates and times on behalf of the NMSU Parking Citation Appeal Hearing Officer. Notice of the date, time and place of the hearing will be provided to the appellant seven (7) business days in advance of the hearing date. If the appellant fails to appear at the hearing or seek a continuance, the hearing officer may uphold the citation, and add the administrative fee to the amount of the fine.
- D. **Recordkeeping:** The community college president's designee will maintain on file the hearing docket and decisions of each session at which the Citation Hearing Appeal Officer hears cases under its jurisdiction.

E. Hearing Protocols:

1. When presenting to the Citation Appeal Officer, the position of each party to the appeal will be limited to those issues raised in the written appeal.
2. Based on the evidence presented by the parties at the appeal hearing, the Citation Appeal Hearing Officer is authorized to take the following action:
 - a. Uphold the citation
 - b. Reduce the citation to warning
 - c. Reduce the citation fine by one-half, if mitigation circumstances are found. Mitigating circumstances are limited to a finding that there was a failure on the part of the university to clearly mark or otherwise designate parking areas.
3. The decision of the Citation Appeal Hearing Officer is final.

F. Administrative Fee: An administrative fee, as authorized by law, will be added to all citations upheld by the Citation Appeal Hearing Officer. Said amount will be paid to the community college president's designee along with the citation amount at the time of judgment.

G. Consequences for Failure to Pay Penalty/Fees: If the appellant does not pay/fulfill any judgment, fines, and/or hearing costs assessed within five business days, the cited vehicle will be added to the "tow or boot" list, as described in ARP 16.85. Citations upheld due to appellant failing to appear at the appeal hearing will have five (5) business days from the date the hearing was scheduled to pay the citation and administrative fee; failure to pay fees within the five business days will automatically put vehicle on the "tow or boot" list. *See* ARP 16.85.