

**TITLE 19        NATURAL RESOURCES AND WILDLIFE**  
**CHAPTER 2     STATE TRUST LANDS**  
**PART 20       RELATING TO CONSTRUCTION, MAINTENANCE AND RECLAMATION OF ROADS**

**19.2.20.1       ISSUING AGENCY:** Commissioner of Public Lands, New Mexico State Land Office, 310 Old Santa Fe Trail, P. O. Box 1148, Santa Fe, New Mexico 87501, Phone: (505) 827-5713.  
[12/31/99; 19.2.20.1 NMAC – Rn, 19 NMAC 2. SLO 20.1, 09/30/02]

**19.2.20.2       SCOPE:** This Rule pertains to the construction, maintenance and reclamation of roads on those lands held in trust by the commissioner of public lands under the terms of the Enabling Act and subsequent legislation. There are certain exceptions to this Rule as follows: certain new temporary roads are exempted as set out below in Subsection A of 19.2.20.9 NMAC.  
[12/31/99; 19.2.20.2 NMAC – Rn, 19 NMAC 2. SLO 20.2, 09/30/02]

**19.2.20.3       STATUTORY AUTHORITY:** The commissioner's authority to manage the state trust lands is found in N.M. Const., art. XIII, Section 2, and in Section 19-1-1 NMSA 1978. The authority to promulgate this Rule is found in Section 19-1-2 NMSA 1978.  
[12/31/99; 19.2.20.3 NMAC – Rn, 19 NMAC 2. SLO 20.3, 09/30/02]

**19.2.20.4       DURATION:** Permanent.  
[12/31/99; 19.2.20.4 NMAC – Rn, 19 NMAC 2. SLO 20.4, 09/30/02]

**19.2.20.5       EFFECTIVE DATE:** November 19, 1990, unless a later date is cited at the end of a section or paragraph. Reformatted in NMAC format effective December 31, 1999.  
[12/31/99; 19.2.20.5 NMAC – Rn, 19 NMAC 2. SLO 20.5, 09/30/02]

**19.2.20.6       OBJECTIVE:** The objective of 19.2.20 NMAC is to provide for the orderly and lawful construction, maintenance and reclamation of roads on state trust lands.  
[12/31/99; 19.2.20.6 NMAC – Rn, 19 NMAC 2. SLO 20.6, 09/30/02]

**19.2.20.7       DEFINITIONS:** [Reserved]  
[12/31/99; 19.2.20.7 NMAC – Rn, 19 NMAC 2. SLO 20.7, 09/30/02]

**19.2.20.8       PURPOSE AND APPLICATION OF RULE:** This Rule shall apply to all roads constructed on state trust lands administered by the commissioner of public lands (commissioner), and will be effective on the date of its filing with the state records center. This Rule is issued to implement minimum standards for road construction, maintenance, and rehabilitation so as to minimize the impact of roads on the various vegetational ecosystems involved.  
[12/31/99; 19.2.20.8 NMAC – Rn, 19 NMAC 2. SLO 20.8, 09/30/02]

**19.2.20.9       RULE REQUIREMENTS:**

**A.** All roads constructed on state trust lands administered by the New Mexico state land office shall be constructed and maintained in accordance with this Rule. Roads built on state trust land that will cross adjacent land administered by the bureau of land management (BLM) will be constructed and maintained in concert with the BLM new road policy effective January 1, 1988. Roads built on state trust land only shall be constructed in accordance with the minimum standards described in 19.2.20.10 NMAC and maintained in accordance with the standards described in 19.2.20.11 NMAC, unless local conditions warrant exceptions. Such exceptions shall be approved by the state land office district land use specialist (SLO LUS).

**B.** Certain new temporary roads are exempted from the construction requirements of this Rule. The roads exempted are those that will provide access for a seasonal or temporary activity and/or for a temporary business use. However, these types of roads are subject to maintenance and/or rehabilitation requirements required by the SLO LUS.

**C.** Roads built on state trust lands shall be constructed and maintained by a right-of-way grantee in accordance with the requirements set forth in the right-of-way grant if those requirements are different than the

requirements of this Rule. Construction and maintenance of these roads will be done in a manner that insures that authorized traffic remains within the right-of-way and erosion damage is mitigated.

**D.** When roads built on state trust lands are no longer needed, as determined by the lessee or right of way grantee and by the commissioner, they will be abandoned and rehabilitated according to 19.2.20.12 NMAC. However, the New Mexico state land office may determine that such a road is still needed for other purposes, and if so, it shall notify the lessee or grantee in writing of this determination, at which time the lessee or grantee shall be released from all responsibility for maintenance and rehabilitation.

[12/31/99; 19.2.20.9 NMAC – Rn, 19 NMAC 2. SLO 20.9, 09/30/02]

**19.2.20.10 ROAD CONSTRUCTION STANDARDS:**

**A.** Width. The preferred minimum standard for roads built on state trust lands is a fourteen (14) -foot width for single-lane roads and a twenty (20) -foot width for double-lane roads, provided that the local situation doesn't dictate that it be wider. The maximum allowable grade without an engineering design is ten percent (10%).

**B.** Drainage. Drainage control shall be ensured through the use of drainage dips, outsloping, insloping, natural rolling topography, ditch turnouts, or culverts. Spacing of dips, broad-based drainage dips, culverts and turnout ditches will depend on cross slope, road grade and soil type. Drainages will be constructed in such frequency necessary to prevent headcuts or other forms of accelerated erosion or damage on adjacent areas.

**C.** Culverts. Culvert pipes shall be used for cross drains on grades in excess of ten percent (10%) gradient and on all major drainages. Roadbed culverts shall be used to drain road ditches when drainage dips are not feasible. All culvert sizing must be in accordance with accepted engineering practices (i.e., Talbot chart, etc.). The minimum size culverts in any installation is eighteen (18) inches.

**D.** Road Surfacing:

(1) Surfacing (i.e. caliche, gravel, soil stabilizer, sand, cinders, etc.) shall be required on all roads built on state trust lands where all weather access is needed, if the natural soil does not have the bearing capacity for heavy vehicles in both wet and dry weather and if these materials are economically available.

(2) The roadbed should be reasonably smooth, free of ruts, chuckholes, rocks, slides, washboards, dust pockets, soft spots or other driving hazards or nuisances.

**E.** Cattleguards and Fencing. Cattleguards are required for all fence lines crossing roads built on state trust lands, unless a wire or metal gate is approved by the SLO LUS and surface lessee.

(1) All cattleguard grid designs and foundation designs shall meet AASTHO load rating H-20, although AASTHO U-80 is required where heavy loads exceeding H-20 loading are anticipated.

(2) All cattleguard grids shall meet or exceed the road width, but shall not be less than fourteen (14) feet wide.

(3) Approach ramps (if needed) shall not be less than fifty (50) feet on each side of cattle guards and shall provide smooth transitions.

(4) Gates shall be installed on one (1) side of cattleguards. Gate construction will conform to the specifics set out in 19.2.20.11 NMAC.

(5) Fencing, if required, is to be a four (4) strand barbwire fence with twelve (12) inch spacing between strands.

**F.** Vegetation. All vegetation removed from roadbeds as a result of construction shall be disposed of by the grantee or lessee, by a method approved by the SLO LUS. Road standards may be modified to meet local conditions. Suggested reference material for road construction and maintenance practices is "Reducing Erosion from Unpaved Rural Roads in New Mexico," published by the New Mexico energy, minerals and natural resources department soil and water conservation bureau.

[12/31/99; 19.2.20.10 NMAC – Rn, 19 NMAC 2. SLO 20.10, 09/30/02]

**19.2.20.11 ROAD MAINTENANCE STANDARDS:** "Maintenance" is the upkeep necessary for the safe and efficient utilization of roads on state trust lands. Right-of-way grantees and lessees shall be responsible for preventative and/or corrective road maintenance of the relevant road until assignment or abandonment and rehabilitation of the road. This maintenance may include, but not be limited to, the items listed below:

**A.** Roadbed.

(1) Roadbeds shall be reasonably smooth and reasonably free of ruts, dust pockets, soft spots, chuckholes, rocks, slides and washboards.

(2) No berms shall be permitted along shoulders.

(3) The integrity of the surfacing material shall be maintained.

- (4) Roadbed width shall be kept to the approximate original dimensions.
  - B. Shoulders. Road shoulders shall be straight and present a uniform line with the surface free from large rocks, limbs or stumps.
  - C. Ditches, Culverts and Drainage Dips.
    - (1) Original cross section of roads shall be maintained. Drainage area shall be kept clear of rocks, slides and sediments.
    - (2) Vegetation or sedimentation shall not restrict ditch or culvert flow or reduce the waterway area.
    - (3) Ditch bottoms shall be stable and not excessively eroded.
    - (4) Back-sloped areas above ditches shall be stable terrain.
    - (5) Drainage dips shall be maintained to constructed design.
  - D. Other Related Road Features. Right of ways shall be free of excessive or objectional litter, signs, etc. as determined by the SLO LUS in concert with the grantee.
  - E. Fences, Gates and Cattleguards.
    - (1) Posts are to be sound, plumb and secure.
    - (2) Wire shall be tight and securely fastened to the posts.
    - (3) Stays shall be uniformly spaced and vertical between posts and affixed to keep the strands properly spaced.
    - (4) Rock deadmen shall be properly secured to the fence.
    - (5) Gates shall be adequate to turn the class of livestock in the pasture at the time the road was first constructed and easily opened and closed.
    - (6) Cattleguard pits shall be clean and functional. End wings shall be securely fastened and serviceable. Guards and bases must be maintained in serviceable condition.
    - (7) Cattleguard approaches shall be maintained to provide a smooth transition.
  - F. Ford and Low Crossings.
    - (1) There shall be a smooth transition between roads and fords.
    - (2) No excessive erosion adjacent to fords shall be allowed.
    - (3) The surface of fords shall be clear of debris, brush, rocks and sediment.
    - (4) Bottoms of ford crossings shall be level with the stream bottoms.
  - G. Safety and Hazard Control.
    - (1) Travel way and ditches shall be kept free of shrubs, trees and other obstacles and shall be free of overhanging trees and limbs. No down trees or branches shall be in the ditch area.
    - (2) Unstable material above roadways shall be removed or stabilized.
- [12/31/99; 19.2.20.11 NMAC – Rn, 19 NMAC 2. SLO 20.11, 09/30/02]

**19.2.20.12 ROAD ABANDONMENT AND RECLAMATION:** All roads no longer needed, as determined by the grantee or lessee and the commissioner, shall be reclaimed to approximate natural contours, unless, as provided herein, the New Mexico state land office elects to allow a road to remain based on recommendations from the SLO LUS. Upon reclamation all road improvements and debris shall be removed, unless approved otherwise by the SLO LUS. Reclaimed roads will have the roadbeds ripped, scarified and otherwise roughened as directed by the SLO LUS to ensure increased water infiltration and a properly prepared seedbed; and then reseeded. Parallel-road berms are to be removed and recontoured. Berms or gates will be used to block access to the reclaimed road. Water bars will be used on sloping surfaces and spaced so as to minimize erosion and control surface runoff. For reseeding, the New Mexico state land office will approve seeding rates and seed mixtures or approve site-specific recommendations. When possible, the New Mexico state land office will recommend such approved rates and mixtures, but will not require seed varieties in its mixtures which are not in common use in the area. Reseeding shall be planned and completed with a goal of revegetation consistent with local natural vegetation density. After a failed attempt to revegetate an area, a second reseeding may be required by the New Mexico state land office, but in no event shall such second reseeding be required more than two (2) years after the initial one. Reclamation responsibility of a grantee or lessee terminates upon acceptance of the reclamation of a site by the SLO LUS.

[12/31/99; 19.2.20.12 NMAC – Rn, 19 NMAC 2. SLO 20.12, 09/30/02]

**HISTORY OF 19.2.20 NMAC:**

**Pre-NMAC History:** The material in this Part was derived from that previously filed with the State Records Center and Archives under:

SLO Rule 20, Relating to Construction Maintenance And Reclamation of Roads, filed 11/19/90.

**History of Repealed Material:** [Reserved]