



PUBLIC WORKS

DIVISION

**OPERATIONS AND MAINTENANCE
DEPARTMENT**

2400 Broadway SE Albuquerque, NM 87102

Property Owner Responsibilities in Bernalillo County Rights of Way

In an effort to maintain clean and debris-free thoroughfares in our community, the Bernalillo County Public Works Operation and Maintenance Department reminds property owners that they have a responsibility for the **“setback area.”**

The **setback area** is that portion of public land along the road between the private property line and the curb, or pavement, or edge of the dirt or gravel lane that is driven by automotive traffic. Bernalillo County Code Section 66-225 (c) states:

66-225 (c) “The setback area and all plantings therein shall be maintained by the owner, occupant or agents in charge of the adjoining property”.

The Operations and Maintenance Department will respond to requests for functional, shoulder, drainage ditch or borrow ditch mowing, grading, and/or clearing both up and down stream from private driveways, but not including private driveways. Please call 848-1503 if you would like to report any of these problems. The width of this service ranges from 0 feet to 7 feet from the edge of the road depending on the posted speed limit, pursuant to AASHTO Standards providing for a “Clear Zone” for traffic safety. Only certain items are allowed in the clear zone, such as mail boxes, break-away fire hydrants, and break-away street signs, which do not interfere with traffic safety.

Maintenance of decorative landscaping or removal of weeds or trash against a property fence, or maintenance of the driveway condition, or private tree limbs hanging within the right of way is the adjoining property owner’s duty and responsibility.

In addition, the throwing of greenwaste or other debris into the setback area is technically defined as illegal dumping and carries a possible \$1000 fine and/or imprisonment. Yard waste and refuse must be disposed of properly. The Solid Waste Department (224-1639) can give information about free and low cost refuse deposit locations and free curbside appliance removal services.

For more detailed information on what is allowed in the setback area by property owners, call 848-1503.