

# NEW MEXICO STATE TRANSPORTATION COMMISSION



**CP 71**  
**06/16/16**

## **Recreational Off-Highway Vehicles on Paved State Highways**

**Reference:** NMSA 1978, Sections 67-3-2(D), 66-3-1001.1 and 66-3-1011.

It is the policy of the New Mexico State Transportation Commission ("Commission") to promote multimodal access and connectivity within the state road system in conformity with applicable law, regulation, and industry safety standards. In accordance with NMSA 1978, Section 66-3-1011, multimodal access may include reasonable and safe use of segments of state-owned or controlled paved highways in areas with significant outdoor recreational activity by recreational off-highway vehicles ("ROVs"), as defined in accordance with NMSA 1978, Section 66-3-1001.1 and Sub-section C of 66-3-1011.

- A. Subject to the provisions below, the Commission may designate segments of the state highway system for the operation of ROVs where the use of such vehicles complements the character of the community, and reasonably safe conditions can be maintained. The Commission shall cautiously and sparingly utilize its authority to designate ROV routes.
- B. The Commission may designate as a ROV route ("designated route") any portion of the state highway system, provided that the designated route is not on or intersecting a limited access highway or freeway.
  - 1. The Commission may do so on its own initiative or after consideration of a written request made by a municipality, county or tribal government ("requesting entity") as set forth in Section C below.
  - 2. The Commission's determination shall be based on New Mexico Department of Transportation ("Department") recommendation.
  - 3. The Commission's authority includes the approval or rejection of written requests for designated routes in accordance with Section C below, and revocation of previously designated routes, provided that for the latter, the Department has determined the designated route to have a negative impact on the roadway, landscape, or inhabitants, including through, but not limited to, findings of an increase in crashes or fatalities on the designated route, and/or by way of internal or external safety studies.

- C. The Commission shall consider, and approve or deny, written requests for a designated route made by a requesting entity, in accordance with Commission policy concerning public hearings. The requesting entity shall include, as part of the request packet, documents that address the following requirements:
1. The segment of roadway is located within the boundaries of the requesting entity, not a limited access highway or freeway, and posted with a speed limit of 45 miles per hour or less, and there are no feasible alternate routes to the state highway;
  2. An ordinance or resolution that the requesting entity has passed in conformity with the Off-Highway Motor Vehicle Act, allowing for the operation of ROVs within its jurisdiction, and including as requirements, qualifiers set forth in Sub-section E(4) of 66-3-1001.1 and Sub-section C of 66-3-1011, and mandatory safety restraints for ROV operators and passengers;
  3. A resolution requesting the Commission to designate certain specific portions of the state highway system as a designated route;
  4. A detailed map showing the desired location and description of the proposed route designation, which includes the termini and adjacent recreational facilities that would tie into the designated route;
  5. The Department's written recommendation that ROVs can be operated with reasonable safety on the designated route, taking into consideration the pavement condition, geometry, road safety features, speed, crash data, ROV safety standards, and usage of the road segment, provided that the Department may also require further traffic analyses by the requesting entity;
  6. For any additional features or signage needed to make ROV use feasible ("route facilities"), an agreement between the requesting entity and the Department that defines the roles and responsibilities for the construction and maintenance of route facilities, terms and conditions for operation, and allocation of legal responsibilities pertaining to the use of ROVs on the designated route;
  7. Demonstration that the designated route is clearly for recreational access of ROVs, in the public interest, and not for the sole benefit of any private interest, business, or organization;
  8. Documented community and law enforcement support for the route designation;  
and
  9. The designation shall comply with all state and federal laws and regulations, and, if a U.S. highway, shall require receipt of any necessary approval from the Federal Highway Administration.
- D. The Secretary shall formulate suitable directives, procedures or rules for the implementation of this policy.