

1 HOUSE BILL 342

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

3 INTRODUCED BY

4 Rhonda S. King

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10 AN ACT

11 RELATING TO TRANSPORTATION; MODIFYING THE LOCATION WHERE THE
12 DEPARTMENT OF TRANSPORTATION MUST PROVIDE FOR PEDESTRIAN,
13 BICYCLE AND EQUESTRIAN TRAFFIC DURING HIGHWAY CONSTRUCTION.

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 67-3-62 NMSA 1978 (being Laws 1972,
17 Chapter 78, Section 1, as amended) is amended to read:

18 "67-3-62. PROVISIONS FOR PEDESTRIAN, BICYCLE AND
19 EQUESTRIAN TRAFFIC REQUIRED.--

20 A. No expenditure or contract for the expenditure
21 of state public funds for purposes of constructing highways
22 along new alignments or for purposes of substantially widening
23 highways along the existing alignments shall be made or entered
24 into by the [~~state highway~~] department unless the design and
25 construction of [~~such~~] those highways makes provision for

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1 pedestrian, bicycle and equestrian traffic [~~along and across~~
2 ~~such highway~~] except when the [~~state highway~~] department, after
3 notice and a public hearing, determines, pursuant to its
4 published regulations as provided in Section 67-3-63 NMSA 1978,
5 that:

6 (1) [~~such~~] provisions for pedestrian, bicycle
7 and equestrian traffic would be contrary to the public safety;
8 or

9 (2) the cost of [~~such~~] the provisions would be
10 disproportionate to the need or probable [~~usage~~] use.

11 B. Notice of public hearings shall be required only
12 when:

13 (1) project plans require acquisition of
14 additional right of way for purposes of constructing the
15 project along a new alignment;

16 (2) the project plans require a substantial
17 widening of the travel lanes for highway reconstruction along
18 an existing alignment; or

19 (3) the [~~highway~~] department is petitioned by
20 authorized officials of affected pedestrian, bicycle or
21 equestrian associations. If [~~such~~] a petition is filed, a
22 public hearing shall be held. For purposes of Paragraphs (1)
23 and (2) of this subsection, the requirement for notice and
24 public hearing may be satisfied by publishing two notices of
25 opportunity for a public hearing and holding a public hearing

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1 if written request for [~~such a~~] the hearing is received within
2 the time specified in the published notice."

3 SECTION 2. Section 67-3-63 NMSA 1978 (being Laws 1973,
4 Chapter 21, Section 2, as amended) is amended to read:

5 "67-3-63. CONSTRUCTION AND MAINTENANCE OF FOOTPATHS,
6 BICYCLE LANES AND BRIDLE PATHS--EXPENDITURE OF FUNDS
7 AUTHORIZED.--

8 A. The state transportation commission is
9 authorized to expend as necessary matching state road funds and
10 federal aid highway funds administered by the department for
11 the construction and maintenance of footpaths, bridle paths or
12 bicycle lanes [~~along and across state, county and municipal~~
13 ~~roads, streets or highways~~].

14 B. In administering Sections 67-3-62 and 67-3-63
15 NMSA 1978, the state transportation commission shall promulgate
16 [~~regulations~~] rules setting forth guidelines by which the state
17 transportation commission shall determine whether the
18 establishment of any proposed bicycle lanes, footpaths or
19 bridle paths is contrary to public safety or the cost thereof
20 is disproportionate to the need or probable [~~usage~~] use within
21 the meaning of Section 67-3-62 NMSA 1978. The commission shall
22 recommend construction standards for footpaths, bicycle lanes
23 and bridle paths and shall provide a uniform system of signs
24 that shall apply to all [~~such~~] paths or lanes under the
25 jurisdiction of the commission and all counties and

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1 municipalities. The commission may restrict the use of
2 footpaths, bicycle lanes or bridle paths under its jurisdiction
3 to pedestrian, equestrian or nonmotorized vehicle use.

4 C. As used in this section, "bicycle lane" means a
5 publicly owned and maintained paved path, way or trail
6 designated and signed as a bicycle route, and "bridle path"
7 includes equestrian trails or ways.

8 D. In the event that any of the provisions of this
9 section or of Section 67-3-62 NMSA 1978 conflict with
10 provisions of federal law or regulations relating to highway
11 construction funds and ~~[such]~~ that conflict jeopardizes the
12 receipt of funds by the state, then the conflicting provisions
13 of the specified sections of state law shall be suspended and
14 not effective."