

City of Las Cruces Bicycle Ordinances
11-05-2012 – passed by CLC council

Article I – Definitions

- 27-12-1-6.1 Bicycle - "Bicycle" means a device upon which any person or persons may ride, propelled exclusively by human power through a belt, chain, or gears, and having one or more wheels.
- 27-12-1-6.2 Electrical-assisted bicycle - "Electrical-assisted bicycle" means a vehicle primarily propelled by human power applied to pedals upon which a person may ride having two or more wheels and a supplemental electric motor not exceeding seven hundred fifty watts of power, and a top motor-powered speed of twenty miles per hour.
- 27-12-1-6.3 Pedicab – “Pedicab” means either of the following: (a) A bicycle that has three or more wheels, that transport, or is capable of transporting, passengers on seats attached to the bicycle, that is operated by a person, and that is being used for transporting passengers for hire. (b) A bicycle that pulls a trailer, sidecar, or similar device, that transports, or is capable of transporting, passengers on seats attached to the trailer, sidecar, or similar device, that is operated by a person, and that is being used for transporting passengers for hire.
- 27-12-1-6.4 Bicycle facility – A “bicycle facility” includes a wide variety of physical infrastructure including: bicycle lanes, shared-use lanes, multi-use paths or trails, bicycle boulevards, or cycle tracks. The definitions for these facilities can be found in the Manual on Uniform Traffic Control Devices, as amended, and the American Association of State Highway and Transportation Officials - Guide for the Development of Bicycle Facilities, as amended.
- 27-12-1-89 Vulnerable user of a public way – “Vulnerable user of a public way” or “vulnerable user” means a pedestrian, a person with disabilities, a highway worker, tow truck operator, utility worker, any other worker with legitimate business in or near the road or right-of-way, or stranded motorist or passenger. This definition also includes a person riding an animal or a person operating any of the following on a public way, crosswalk or shoulder of the highway: (1) A farm tractor or implement of husbandry; or (2) A bicycle.
- 27-12-1-90 Any other term

Article VI – Traffic Regulations

27-12-6-5.8.B Whenever a motorist is turning across a bicycle facility, such motorist shall yield the right of way to any bicyclist traveling in that bicycle facility which is so close as to constitute an immediate hazard.

[NOTE: The rest of 27-12-6-5.8 will be renumbered as needed.]

27-12-6-6.1 Stopping, standing or parking prohibited in specified places.

A No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

(1) On a sidewalk; ...

(16) Between a curb and sidewalk or between a curb or lateral line of a roadway, and the adjacent property line.

(17) Bicycle lane or multi-use path

Vulnerable User of a Public Way Laws

27-12-6-7.9 Passing a vulnerable user

9.1 An operator of a vehicle passing a vulnerable user operating on a highway or street shall:

A Vacate the lane in which the vulnerable user is located if the highway or street has two or more marked lanes running in the same direction; or

B Pass the vulnerable user at a safe distance.

9.2 For the purpose of Subsection B, when road conditions allow, safe distance is at least:

A Three feet if the operator's vehicle is a passenger car, light truck, or bicycle; or

B Six feet if the operator's vehicle is a truck, other than a light truck, or a commercial motor vehicle as defined by the New Mexico Uniform Traffic Ordinance, or when passing any other vulnerable user not already identified in Subsections A or B.

27-12-6-10 Intimidating or harassing a vulnerable user

An operator of a vehicle may not maneuver the vehicle in a manner that:

A Is intended to cause intimidation or harassment to a vulnerable user; or

B Threatens a vulnerable user.

27-12-6-11 Due care – Vulnerable users

An operator of a vehicle shall exercise due care to avoid colliding with any vulnerable user in the public right-of-way.

Article VIII – Operation of Bicycles

- 27-12-8-1 Effect of regulations
- A These regulations shall apply whenever a bicycle, pedicab, or electric-assisted bicycle is operated upon any highway or upon any path.
- B The parent of any child and the guardian of any ward shall not authorize or permit any such child or ward to violate any of the provisions of the Motor Vehicle Code [66-1-1 NMSA 1978].
- 27-12-8-2 Traffic ordinance applies to persons riding bicycles
- Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle, except as to the special regulations within sections 27-12-8-1 through 27-12-8-15.
- 27-12-8-3 Riding bicycles
- A A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.
- B No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.
- 27-12-8-4 Clinging to vehicles
- No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.
- 27-12-8-5 Riding on streets
- A Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. It shall not be considered practicable to ride as near to the right side of the street under the following circumstances:
- A.1 When overtaking and passing another bicycle or vehicle proceeding in the same direction
- A.2 When preparing for a left turn at an intersection or into a private road or roadway
- A.3 When reasonably necessary to avoid hazardous conditions, including, but not limited to, fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, or surface hazards, or substandard width lanes that make it unsafe to continue along the right-hand curb or edge. For purposes of this section, a "substandard width lane" is a lane that is too narrow for a bicycle and vehicle to travel safely side by side within the lane.
- B Persons riding bicycles upon a roadway shall not ride more than two abreast.
- 27-12-8-6 Carrying articles
- A person operating a bicycle shall keep at least one hand on the handlebars at all times.
- 27-12-8-7 Lamps and other equipment on bicycles
- A Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front

and with a red reflector on the rear of a type approved by the division which shall be visible from all distances from fifty feet to three hundred feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector

B A bicycle shall not be equipped with, nor shall any person use upon a bicycle any siren, whistle, or air horn. This subsection does not prohibit the use of a siren by the police department or person(s) or entity(s) who obtain written approval from the police chief or designee.

C Every bicycle shall be equipped with a brake which will enable the operator to make the brake wheels skid on dry, level, clean pavement.

27-12-8-8 Obedience to traffic-control devices

A Any person operating a bicycle shall obey the instructions of official traffic-control devices, unless otherwise directed by a police officer

B Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event the person shall then obey the regulations applicable to pedestrians.

27-12-8-9 Parking

No person shall park a bicycle in such manner as to obstruct pedestrian or other traffic or parking.

27-12-8-10 Speed

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

27-12-8-11 Emerging from alley, driveway, private road or building

A The operator of a bicycle emerging from an alley, private road, driveway, or building shall yield the right-of-way to all pedestrians on the sidewalk or sidewalk area.

B Upon entering the street, the driver of a bicycle shall yield the right-of-way to all vehicles approaching on the street.

27-12-8-12 Riding on sidewalks

A Operation of an electric-assisted bicycle or pedicab on a sidewalk is prohibited.

B A person riding or walking a bicycle upon and along a sidewalk or across a roadway upon and along a crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances.

C A person riding a bicycle upon and along a sidewalk shall dismount before entering any roadway and, when crossing any such roadway, and shall observe all the rules and regulations applicable to pedestrians.

D Whenever any person is riding a bicycle upon a sidewalk, the person shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing a pedestrian.

27-12-8-13 Authority to impound bicycle

The law enforcement officer shall impound the bicycle operated by an intoxicated bicycle rider if the officer determines that impoundment is necessary to reduce a threat to public safety, and there are no reasonable alternatives to impoundment. The bicyclist will be given a written notice of when and where the impounded bicycle may be reclaimed. The bicycle may be reclaimed from the police department by the bicycle rider when the bicycle rider no longer appears to be intoxicated, or by an individual who can establish ownership of the bicycle. The bicycle must be returned without payment of a fee. If the bicycle is not reclaimed within thirty days, it will be subject to sale or disposal consistent with agency procedures.

27-12-8-14 Required hand signals

A All hand signals required of persons operating bicycles shall be given in the following manner:

A.1 Left turn. Left hand and arm extended horizontally beyond the side of the bicycle;

A.2 Right turn. Left hand and arm extended upward beyond the side of the bicycle, or right hand and arm extended horizontally to the right side of the bicycle;

A.3 Stop or decrease speed. Left hand and arm extended downward beyond the side of the bicycle.

A.4 The hand signals required by this section shall be given before initiation of a turn.

A.5 A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the bicycle before turning and shall be given while the bicycle is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle.

D When passing a vulnerable user, the bicycle operator shall alert the vulnerable user by giving an audible signal at least 100' prior to passing.

27-12-8-15 Helmet laws for minors

A It is unlawful for a parent or legal guardian of a minor to knowingly permit that minor to operate or be a passenger on a bicycle, skates, scooter or skateboard unless that minor wears a well-fitted protective bicycle helmet, fastened securely upon the head with the straps of the helmet.

B Except as provided in Subsection C of this section, a parent or legal guardian found guilty of violating Subsection A of this section shall pay a civil penalty of not more than ten dollars (\$10.00). Magistrate and municipal courts shall have concurrent jurisdiction.

C If a violation of Subsection A of this section is a first offense, the magistrate or municipal court may issue a verbal warning or require, in lieu of the fine imposed in Subsection B of this section, that the person found in violation provide proof that a protective helmet has been purchased for use by the minor found on the bicycle, skates, scooter or skateboard without a protective helmet.

D The municipal court may issue a written warning for a first violation and any subsequent violation.