



## Unit 1 - The Driving Task

### Chapter 4 - Sharing the Road

#### Objectives

Students should understand that public roads are open to all licensed vehicles and to bicycles. Bicycles have all the rights and responsibilities of other vehicle traffic but are sometimes invisible to drivers. Students should understand that excessive speed is hostile to bicycle and pedestrian safety.

Students should understand that the essence of road safety is for drivers to develop an attitude that motorcycles, bicycles, pedestrians have a right to be on roads. Drivers who recognize this right will be more likely to treat them with respect and be more careful around them.

Students also need to understand that drivers must share the road with large vehicles such as buses and tractor trailers. Trucks today can be up to 120 feet long and can weigh upwards of 60 tons. Drivers often feel intimidated by them on the highway but it's not difficult to learn to share the road with them if you understand how they are different from other motor vehicles.

Students should respect railroad train right-of-way and understand that the consequences of disregarding safety and common sense in regard to level crossings can be deadly.

Students should also understand that they share the road with highway workmen and they need to be alert and drive carefully to reduce the fatalities and injurious crashes in work zones.

Students should also be aware of emergency vehicles and first responders on the highway and be prepared to follow their instructions and use caution.

# Course Outline

**Introduction:** The road can be a dangerous place for bicycles and pedestrians. Although bicycles have the same rights and responsibilities as motorized vehicles, they have less mass and a lot less protection than motorized vehicles. Drivers need to look for, see and treat other types of road users with *respect*. This includes bicycles, pedestrians, motorcycles, slow-moving farm equipment and large vehicles such as tractor trailers and buses. Drivers must also pay particular attention when in highway work zones. One of the most dangerous aspects of the road for these types of users is the attitude of automobile drivers that they don't have the right to be there.

## 1. Pedestrians

- a. Center for Disease Control and Prevention statistics for 2010 show:
  - In 2010, 4,280 pedestrians were killed in traffic crashes in the United States (33 New Mexicans) and another 70,000 pedestrians were injured. This averages to one crash-related pedestrian death every two hours, and a pedestrian injury every eight minutes.
  - Pedestrians are 1.5 times more likely than passenger vehicle occupants to be killed in a car crash on each trip.
  - About 75 percent of pedestrian deaths were in urban areas.
  - Almost 70 percent of pedestrian deaths were at night.
  - Three groups of people are at most risk: the young, the old and the drunk (driver or pedestrian).
- b. How can pedestrians help prevent injuries and deaths from motor vehicle crashes?
  - Pedestrians should increase their visibility at night by carrying a flashlight when walking and by wearing retro-reflective clothing.
  - Whenever possible, pedestrians should cross the street at a designated crosswalk.
  - It is much safer to walk on a sidewalk, but if pedestrians must walk in the street, they should walk facing traffic.
- c. NHTSA has proposed a global safety standard that includes changes to the design of hoods and bumpers so they absorb more of the impact when cars collide with people. The law would allow bumpers to be weaker to lessen the impact on pedestrians in crashes.
- d. Many pedestrians are young children and senior citizens. Both need for drivers to treat them with special care. In 2012, 60 pedestrians died in crashes, up from 36 in 2011 and 34 in 2010. Because New Mexico's pedestrian death rate is among the highest in the nation, the NM Legislature created a program called *Safe Routes to School* in 2007 to address some of the causes of pedestrian fatalities.
- e. Crosswalks. New Mexico has two types of crosswalks: those delineated by paint or other distinctive markings, and those formed by the extension of sidewalks or curbs at an intersection (an unmarked crosswalk.) Pedestrians have equal rights in marked or unmarked crosswalks, but it's not always wise for them to try to assert these rights against a ton of metal coming at them! The only type of crosswalk that can exist in the middle of a block is a marked crosswalk.
  - Vehicles are not permitted to park in a crosswalk, or to park within twenty feet of a crosswalk at an intersection
  - Autos must yield for pedestrians who are crossing the street in a crosswalk, marked or unmarked.
  - Pedestrians must yield for autos when they are crossing the street outside of crosswalks (Note: Even though the law gives drivers the right of way in this situation, drivers will often have to yield to a pedestrian who is crossing in the middle of the block to avoid running them over.)

- If an automobile ahead has stopped for a pedestrian in a crosswalk, the law prohibits passing that vehicle until the pedestrian has crossed.

There is evidence that crosswalks create a false sense of security for pedestrians. Drivers must be always vigilant for pedestrians in crosswalks to avoid tragedy. This is an example of where trying to take the right of way is NOT a good idea.

- f. Blind pedestrians. Drivers have a higher standard of care to watch out for blind pedestrians. The driver of a vehicle approaching a totally or partially blind pedestrian who is carrying a cane predominantly white or metallic in color, with or without a red tip, or using a guide dog, is required to take all necessary precautions to avoid injury to such blind pedestrian. A driver who fails to take such precautions is liable in damages for any injury caused to the blind pedestrian.

## 2. Bicycles.

Bicycles ride in traffic and are treated as a small vehicle. Bicycles ride in the right lane and may ride up to two abreast in the lane, if doing so can be done safely. Bicyclists should strive to be seen by wearing retro-reflective clothing, using flashing LED light systems, laser lights, bike tail lights, helmet mounted lights and bike flags. Bike helmets save lives and have been required in New Mexico since 2007 for those under age 18. This also includes those using inline skates and skateboards.

- a. Bicycle facilities. Bike lanes are marked lanes at the right side of the road dedicated to bicyclists, which may be used by automobiles only when making a right turn. Drivers should not park in bike lanes since this defeats the purpose of separating bikes and vehicles. Bike paths are separate facilities, sometimes at the side of the road separated by a greenway or planting strip, and sometimes going away from the road entirely. Bikeways are integrated into the traffic stream, usually on roads that are most traffic friendly. Bicyclists are permitted to ride on ANY roadway that vehicles may use except for the Interstates where expressly posted as prohibited.
- b. Passing bicycles. When passing a bicycle, drivers should give a bicyclist five feet of space between the side of the car and the bicycle. If a driver thinks the bicyclist isn't aware that the car's about to pass, a short (friendly) tap on the horn before getting close to the bicyclist can be helpful. Blaring the horn as you pass is dangerous because it can startle the bicyclist and does not increase the feeling of roadway cooperation or understanding.
- c. Opening doors of parked car. It can be very dangerous for a bicyclist to pass a parked car because drivers often fling open their doors without looking. Drivers should always look back before opening their doors. Drivers should also be prepared for a bicyclist who is riding ahead of them to pass a parked car with wide berth.
- d. Left turns. Bicyclists are supposed to obey traffic laws. Therefore, they will be making left turns from the left turn lane, just as a car does. In some jurisdictions, there are local laws that require bicycles to use a bikepath if there is one. In this case, it is not always clear how a bicyclist should make a left turn from a bikepath. Drivers should always be prepared for a bicyclist to move into traffic to make a left turn.
- e. Right turns. Drivers should pull in behind a bicycle to make a right turn, unless the driver has plenty of room to pass the bicyclist and safely pull in front to make the turn.

## 3. Motorcycles.

When motorcycles crash with other vehicles, it's usually because the other vehicle violated the motorcyclist's right-of-way. Left turning vehicles are particularly deadly for motorcyclists. Motorcycles and motorcyclists are smaller visual targets than cars or trucks and drivers may not expect to see motorcycles on the road. In 2011, nationwide, 4,612 motorcyclists were killed in motor vehicle traffic crashes—an increase of two percent from the 4,518 motorcyclists killed in 2010. Forty three of those fatalities were New Mexicans. There were 81,000 motorcyclists injured during 2011, a slight decrease from 82,000 in 2010. The top five counties with the highest number of motorcycle crashes from 2006 – 2011 were Bernalillo (2,468), Doña Ana (621), San Juan (361), Sandoval (331) and Otero (211) County.

- a. **Among drivers and motorcycle riders, drinking and driving has always been a concern.** In 2011, thirty percent of the motorcycle fatalities were alcohol impaired (BAC of .08 or higher). Per vehicle mile traveled in 2011, motorcyclists were over 30 times more likely than passenger car occupants to die in a motor vehicle traffic crash and five times more likely to be injured. Motorcyclists are also injured at alarming rates as the result of risky driving, not wearing helmets and other safety equipment, and poor visibility to other drivers.
- b. **Importance of safety equipment.** Section 66-7-356 requires motorcycle riders under age 18 to wear helmets in New Mexico. New Mexico repealed its helmet law for adults in 1977 and motorcycle crash deaths doubled the next year. In 2011, 40 percent of the 4,323 motorcycle riders killed in motor vehicle traffic crashes were not helmeted. Anyone who rides a motorcycle should wear safety clothing including helmet and eye protection, gloves, reflective material on helmet, jacket or pants, long pants and heavy shoes that cover toes and ankles. Not sure if your helmet meets the national standard? See <http://www.helmetcheck.org/compliance.aspx>.
- c. **Training.** New Mexico has a motorcycle training program that offers the Basic *RiderCourse* for beginning motorcyclists and Advanced *RiderCourses* for riders who are interested in improving their skills. Motorcyclists under 18 must complete the Basic motorcycle training program to be licensed. The New Mexico Motorcycle Safety Program (NMMSPP) expects to train 2,000 motorcyclists per year and operates nine training sites throughout New Mexico. The NMMSPP is always looking for qualified riders who want to become MSF-Certified RiderCoaches. See <http://www.nm-mssp.org/> for more information on the New Mexico Motorcycle Training Program.

#### 4. Large Trucks and Buses

- a. Department of Transportation Statistics define large trucks as being over 10,000 pounds. The DOT reports that in 2010, 3619 people were killed in large truck and bus crashes and 93,000 were injured. Many of the crashes were the result of other vehicles rear ending and then sliding underneath the trucks.
  - Almost two-thirds of all fatal crashes involving large trucks occurred on rural roads.
  - Thirty-four percent of all fatal crashes, 20 percent of all injury crashes, and 19 percent of all property damage only crashes involving large trucks occurred at night (6:00 pm to 6:00 am).
  - The vast majority of fatal crashes (84 percent) and nonfatal crashes (90 percent) involving large trucks occurred on weekdays (Monday through Friday).
  - Collision with a vehicle was the first harmful event (the first event during a crash that caused injury or property damage) in 76 percent of fatal crashes involving large trucks, 80 percent of injury crashes involving large trucks, and 76 percent of property damage only crashes involving large trucks.
  - Rollover was the first harmful event in four percent of all fatal crashes involving large trucks and two percent of all nonfatal crashes involving large trucks.
  - Semi-trailers have under ride guards to prevent cars from sliding under them. The Insurance Institute for Highway Safety is attempting to get legislation to require this on other large trucks, such as dump trucks.  
See: <http://www.iihs.org/iihs/news/desktopnews/new-crash-tests-override-guards-on-most-big-rigs-leave-passenger-vehicle-occupants-at-risk-in-certain-crashes> for more information.

#### b. Problems Created by Large Vehicles

Drivers need to be aware of problems caused by the size of large trucks and buses.

- Visibility - With a truck blocking the view, a driver can't see the roadway ahead. Truck drivers also have problems with visibility which includes large blind spots on either side and behind the truck.
- Time – It takes longer to pass a truck than a car because of its bulk and the wind generated by the moving truck.
- Space – Large semi-trucks and buses may require more than one lane to make a turn.

- Braking – Trucks take much longer to stop than a car. It will take a moving truck double the distance to stop than a car.

**c. How to Avoid a Crash with a Truck or Bus**

- Don't cut into the space in front of a truck and slow down.
- Always pass on the left side.
- Stay out of the blind spots.
- Pay attention to how fast the truck is traveling. Large vehicles look like they are going slower than they actually are.
- Be especially careful when approaching a bus. Passengers getting off the bus may step into the street. Always stop for a school bus with flashing lights and watch for children getting onto or off from the bus.
- Buses are required to stop at railroad crossings. Don't tailgate or pass them.

**5. Trains**

- a. New Mexico has a nice variety of trains passing through it, from the scenic Cumbres and Toltec Railroad in the north to the Rail Runner Express and Amtrak carrying passengers, and the BNSF Union Pacific hauling freight across the state. We tend to take trains for granted until one derails or crashes into a car at a level crossing, often resulting in a loss of life. In 2012, the Federal Railroad Safety Administration's Office of Safety Analysis reports that nationwide there were 1,967 collisions, 271 fatalities and 946 injuries from vehicle-train collisions.

Railway crossings are specialized intersections that can present a significant risk of collisions between trains and road vehicles. These collisions are preventable. Vehicles should stay off the tracks when a train is approaching.

Every crossing is required to have a unique identifier, a six-digit number and a trailing letter used as a checksum. This identifier is called a Grade Crossing Number, and is usually posted with a sign or sticker on the sign or equipment. This allows a particular crossing anywhere in the United States to be precisely identified as to its exact location in the event of an incident involving that crossing.

All public crossings in the U.S. must be marked by at least a crossbuck. The 2009 [Manual on Uniform Traffic Control Devices](#) requires passive crossings (crossings without flashing lights or gates) to have either stop signs or yield signs in addition to the crossbuck. If the crossing has more than one railroad track, the crossbuck is required to have a small sign beneath it denoting the number of tracks.

**b. How to prevent collisions at a railway crossing**

- Slow down, listen and look both ways to make sure the way is clear before crossing the tracks.
- If a train is coming, stop at least fifteen feet from the nearest rail or gate. Do not cross the track until you are sure the train or trains have passed.
- Never race a train to a crossing.
- If there are signal lights, wait until they stop flashing and, if the crossing has a gate or barrier, wait until it rises, before you cross the tracks.
- Never drive around, under or through a railway gate or barrier while it is down, being lowered, or being raised. It is illegal and dangerous.
- Avoid stopping in the middle of railway tracks; for example, in heavy traffic, make sure you have enough room to cross the tracks completely before you begin to cross.
- Avoid shifting gears while crossing tracks.
- If you get trapped on a crossing, immediately get everyone out and far away from the vehicle. Move to a safe place and then contact authorities.

- c. Buses and other public vehicles are required to stop at railway crossings that are not protected by gates, signal lights, or a stop sign. School buses must stop at railway crossings whether or not they are protected by gates or signal lights. Watch for these buses and be prepared to stop behind them. If you are approaching a railway crossing with a stop sign, you must stop unless otherwise directed by a flagman.
- d. **What's it like when a train hits a car?** NHTSA says that the force of a 30-car train hitting a car is comparable, on a more familiar scale, to the force of a car crushing an aluminum soda can.

## 6. Work Zones

- a. In 2011, 587 people died in highway work-zone fatalities - an increase of 11 fatalities compared to 2010. New Mexico had four highway workers killed in work zones in 2012. Though highway workers are often among the victims of such crashes, it's important for drivers to understand that four out of five victims in work zone crashes are actually drivers and their passengers. According to the Federal Highway Administration, in a typical five-day work week, an average of seven motorists and one worker are killed. Generally, crashes occur when drivers speed through a work zone or do not pay attention to the changing road conditions and run into other vehicles, highway equipment, or safety barriers or drive off the road completely.
- b. Highway maintenance vehicles often move slowly on or next to the roadway and are usually painted orange. Drivers should be prepared to slow down or stop for them. There are often people on foot working nearby. Lanes may be closed when roadwork is going on. Flagmen, signs or orange cones will direct you through the construction or maintenance zone. Drivers should always obey special signage and instructions as they pass. Don't stop to watch roadwork.  
NOTE: fines are doubled for speeding in New Mexico highway construction or maintenance zones.
- c. We often forget that for police officers and first responders, the road side is often their workplace. To help protect them, in 2005 the NM legislature created the "Move Over Law". Drivers passing a crash scene must slow down and change lanes to provide for their safety and to give them room to work.

## Suggested Review Questions

**Question #1: Explain how pedestrians can help prevent injuries and deaths from motor vehicle crashes.**

**Answer:** Pedestrians can increase their visibility at night by carrying a flashlight and by wearing retro-reflective clothing, crossing the street at a crosswalk, walk facing traffic.

**Question #2: True False. Bicycles can ride in the right lane and may ride up to two abreast in the lane, if doing so can be done safely.**

**Answer: True.**

**Question #3: Name 3 ways to avoid a crash with a truck or bus.**

**Answer:** Don't cut into the space in front of a truck and slow down, always pass on the left side, stay out of the blind spots, pay attention to how fast the truck is traveling, always stop for a school bus with flashing lights, don't tailgate them.

**Question #4: Which of these are ways to prevent a collision at a railway crossing?**

**Answer:**

- a) Slow down, listen and look both ways to make sure the way is clear before crossing the tracks.
- b) If a train is coming, stop at least fifteen feet from the nearest rail or gate.
- c) Do not cross the track until you are sure the train or trains have passed.
- d) Never drive around, under or through a railway gate or barrier while it is down.
- e) All of the above.

**Question #5: What is the Move Over Law?**

**Answer:** Drivers passing a crash scene or road workers must slow down and change lanes to provide for their safety and to give them room to work.

## Resources

Federal Highway Administration

<http://www.fhrc.gov/safety/pedbike/index.htm>

<http://safety.fhwa.dot.gov/wz/>

National Highway Transportation Safety Administration

<http://www.nhtsa.gov/Bicycles>

Operation LifeSaver (trains)

<http://oli.org/education-resources>

Information on the Rail Runner Express

<http://www.riometro.org/home>.

Center for Disease Control

<http://www.cdc.gov/injury/>

AAA Foundation for Traffic Safety

<http://www.aaafoundation.org/>

NHTSA DOT HS 811 765 Traffic Safety Facts, Motorcycles, 2011 Data

<http://www-nrd.nhtsa.dot.gov/Pubs/811765.pdf>

Federal Motor Carrier Safety Administration

<http://www.fmcsa.dot.gov/facts-research/art-stats-facts.htm>

Bicycle Visibility and Safety Information

<http://www.cnn.com/2013/09/13/tech/the-laser-light-that-could-cyclist/>

<http://www.biketechshop.com/bike-tail-lights-c-733.html>

<http://www.mechbgon.com/visibility/active.html>

<http://www.helmets.org/mandator.htm>



## New Mexico Laws

### **28-7-4. Driver to take precautions approaching blind; liability for damage. (1972)**

The driver of a vehicle approaching a totally or partially blind pedestrian who is carrying a cane predominantly white or metallic in color, with or without a red tip, or using a guide dog shall take all necessary precautions to avoid injury to such blind pedestrian, and any driver who fails to take such precautions shall be liable in damages for any injury caused to such pedestrian; provided that a totally blind or partially blind pedestrian not carrying such a cane or using a guide dog in any of the places, accommodations or conveyances listed herein, shall have all the rights and privileges conferred by law upon other persons, and the failure of a totally blind pedestrian to carry such a cane or to use a guide dog in any such places, accommodations or conveyances shall not be held to constitute nor be evidence of contributory negligence.

### **32A-24-3. Helmet use requirements; civil penalty. (2007)**

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. A municipal court may issue only a verbal warning for a first or later violation.

### **66-1-4.3. Definitions. (2009)**

As used in the Motor Vehicle Code:

O. "crosswalk" means:

(1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; and

(2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface;

### **66-1-4.16. Definitions. (2010)**

As used in the Motor Vehicle Code:

H. "sidewalk" means that portion of street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians;

### **66-3-701. Bicycles; effect of regulations. (1978)**

A. It is a misdemeanor for any person to do any act forbidden, or fail to perform any act required by Sections 66-3-701 through 66-3-707 NMSA 1978.

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.

C. These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

**66-3-702. Traffic laws apply to persons riding bicycles. (1978)**

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 66-3-701 through 66-3-707 NMSA 1978.

**66-3-703. Riding on bicycles. (1978)**

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.

**66-3-704. Clinging to vehicles. (1978)**

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.

**66-3-705. Riding on roadways and bicycle paths. (1997)**

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.

B. Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

C. Notwithstanding any provision of this section, no bicycle shall be operated on any roadway in a manner that would create a public safety hazard.

**66-3-706. Carrying articles. (1978)**

No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebar.

**66-3-707. Lamps and other equipment on bicycles. (1978)**

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. No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet, except that a bicycle shall not be equipped with, nor shall any person use upon a bicycle any siren or whistle.

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.

**66-7-207.1. Motor vehicle accidents involving a school bus; investigation by a law enforcement officer certified as an accident reconstructionist. (2001)**

All motor vehicle accidents involving a school bus that result in a fatality or life threatening injury shall be investigated by a law enforcement officer certified as an accident reconstructionist.

**66-7-301. Speed regulation. (2002)**

A. No person shall drive a vehicle on a highway at a speed greater than:

- (1) fifteen miles per hour on all highways when passing a school while children are going to or leaving school and when the school zone is properly posted;
- (2) thirty miles per hour in a business or residence district;
- (3) seventy-five miles per hour; and
- (4) the posted speed limit in construction zones posted as double fine zones or other safety zones posted as double fine zones as designated by the [state] highway and transportation department, provided that the posted speed limit shall be determined by an engineering study performed by the state highway and transportation department.

B. In every event, speed shall be so controlled by the driver as may be necessary:

- (1) to avoid colliding with a person, vehicle or other conveyance on or entering the highway;
- (2) to comply with legal requirements as may be established by the state highway and transportation department or the New Mexico state police division of the department of public safety and the duty of all persons to use due care; and
- (3) to protect workers in construction zones posted as double fine zones or other safety zones posted as double fine zones as designated by the [state] highway and transportation department.

C. The speed limits set forth in Subsection A of this section may be altered as authorized in [Section 66-7-303](#) NMSA 1978.

#### **66-7-333. Pedestrians subject to traffic regulations.**

A. Pedestrians shall be subject to traffic-control signals at intersections as provided in Section 66-7-105 NMSA 1978 unless required by local ordinance to comply strictly with such signals, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in Sections 66-7-333 through 66-7-340 NMSA 1978.

B. Local authorities are hereby empowered by ordinance to require that pedestrians shall strictly comply with the directions of any official traffic-control signal and may by ordinance prohibit pedestrians from crossing any roadway in a business district or any designated highways except in a crosswalk.

#### **66-7-334. Pedestrians' right of way in crosswalks. (2007)**

A. When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is in the crosswalk.

B. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close that it is impossible for the driver to yield.

C. Subsection A of this section shall not apply under the conditions stated in Subsection B of Section 66-7-335 NMSA 1978.

D. Whenever a vehicle is stopped at a marked crosswalk or at an unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of another vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

#### **66-7-335. Crossing at other than crosswalks. (1978)**

A. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

B. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

C. Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

#### **66-7-336. School crossings. (2003)**

A. Crosswalks may be established over highways abutting a school or the grounds adjacent thereto, and all children crossing the highways shall be required to do so within the marked crosswalks. The state highway

commission, with respect to state highways, and local authorities, with respect to streets under their jurisdiction, with advice of the local superintendent of schools, shall establish and mark, or cause to be marked, these highway crossings.

B. Crosswalks over highways not abutting on school grounds may be established by the state highway commission, with respect to state highways, and by local authorities, with respect to streets under their jurisdiction, with advice of the local superintendent of schools and after adequate assurance has been given that proper safety precautions, pursuant to regulations of the state highway commission and of the local authorities. Responsibility for maintaining the crossing will be with the appropriate county or municipality wherein the school is located.

C. At all school crossings except as provided in this section appropriate signs shall be provided as prescribed by the state highway commission or local authorities within their respective jurisdictions, indicating the crossings and regulating traffic movement within the school zones.

D. School crossings are not required to be specially posted when they are located:

- (1) At a signalized intersection;
- (2) At an intersection where traffic is controlled by a stop sign; or
- (3) At a point where a pedestrian tunnel or overhead crossing is provided.

#### **66-7-337. Drivers to exercise due care. (1978)**

Notwithstanding the foregoing provisions of Sections 66-7-333 through 66-7-340 NMSA 1978 every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

#### **66-7-339. Pedestrians on roadways. (1978)**

A. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

B. Where sidewalks are not provided any pedestrian walking along and upon a highway shall when practicable walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

#### **66-7-343. Railroad-highway grade crossing violations; certain vehicles required to always stop; exceptions. (2003)**

A. Except as set forth in Subsection D of this section, a driver of a vehicle carrying passengers for hire, a school bus carrying school children or a vehicle carrying hazardous materials, radioactive or explosive substances or flammable liquids as cargo or as part of its cargo, before entering a railroad-highway grade crossing, is required to stop no more than fifty feet and no less than fifteen feet from the nearest rail of the railroad.

B. While stopped, the driver shall:

- (1) look and listen in both directions along the track for an approaching train and for signals indicating that a train is approaching;
- (2) determine it is safe to proceed completely through the railroad-highway grade crossing before entering it; and
- (3) set the vehicle in a gear sufficiently low that gears will not need to be shifted before exiting the railroad-highway grade crossing.

C. A driver shall not shift gears while in a railroad-highway grade crossing.

D. A driver of a vehicle carrying passengers for hire, a school bus carrying school children or a vehicle carrying hazardous materials, radioactive or explosive substances or flammable liquids as cargo or as part of its cargo is not required to stop at:

- (1) a railroad-highway grade crossing where a police officer directs traffic to proceed;
- (2) a railroad-highway grade crossing where a stop-and-go traffic light controls movement of traffic;
- (3) a railroad-highway grade crossing used exclusively for industrial switching purposes, within a business district as defined in Section 66-1-4.2 NMSA 1978;

(4) a railroad-highway grade crossing where use of the railroad has been abandoned and there is a sign indicating that the railroad has been abandoned; or

(5) an industrial or spur line railroad-highway grade crossing marked with a sign reading "exempt crossing" that has been designated as exempt by appropriate state or local authorities.

E. Penalties for violation of this section are included in Section 66-8-116 NMSA 1978.

**66-7-347. Overtaking and passing school bus. (1978)**

A. The driver of a vehicle upon approaching or overtaking from either direction any school bus which has stopped on the roadway, with special school bus signals in operation, for the purpose of receiving or discharging any school children, shall stop the vehicle at least ten feet before reaching the school bus and shall not proceed until the special school bus signals are turned off, the school bus resumes motion or until signaled by the driver to proceed.

B. Every bus used for the transportation of school children shall bear upon the front and rear thereof a plainly visible sign containing the words "School Bus" in letters not less than eight inches in height.

C. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

**66-7-355. Riding on motorcycles. (1991)**

A. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, shall have his feet upon the footrests provided on the machine and shall not carry any other person nor shall any other person ride on the motorcycle unless it is designed to carry more than one person. If a motorcycle is designed to carry more than one person, the passenger may ride upon the permanent and regular seat if designed for two persons or upon another seat firmly attached to the rear or side of the motorcycle. The passenger shall have his feet upon the footrests attached for passenger use.

B. Any person operating a motorcycle not having a fixed windshield of a type approved by regulation of the secretary shall wear an eye protective device which may be a face shield attached to a safety helmet, goggles or safety eyeglasses. All eye protective devices shall be of a type approved by regulations promulgated by the director.

**66-7-356. Mandatory use of protective helmets. (1991)**

No person under the age of eighteen shall operate a motorcycle unless he is wearing a safety helmet securely fastened on his head in a normal manner as headgear and meeting the standards specified by the director. The director shall adopt rules and regulations establishing standards covering the types of helmets and the specifications therefore and shall establish and maintain a list of approved helmets meeting the standards and specifications of the director. No dealer or person who leases or rents motorcycles shall lease or rent a motorcycle to a person under the age of eighteen unless the lessee or renter shows such person a valid driver's license or permit and possesses the safety equipment required of an operator who is under the age of eighteen. No person shall carry any passenger under the age of eighteen on any motorcycle unless the passenger is wearing a securely fastened safety helmet, as specified in this section, meeting the standards specified by the director.

**66-7-367. Improper opening of doors. (1978)**

It is a misdemeanor for any person to:

A. Open the door of a vehicle on the side near moving traffic unless:

(1) It is reasonably safe to do so; and

(2) The door can be opened without interfering with the movement of traffic; or

B. Leave a door of a vehicle open on the side of the vehicle near moving traffic for a period of time longer than necessary to load or unload passengers.

**66-7-513. Safe routes to school program. (2007)**

A. The "safe routes to school program" is created within the department to increase and make safer a student's ability to walk or ride a bicycle to school .

B. The program may be established to:

(1) provide assistance to the state, counties and municipalities to identify school route hazards and implement engineering improvements, including:

(a) installing sidewalks;

(b) painting crosswalks and other street and sidewalk areas;

(c) installing traffic signals;

(d) making street improvements;

(e) providing lighting;

(f) providing bus shelters, particularly in isolated or rural areas;

(g) cutting curbs for access for persons with significant mobility limitation; and

(h) other safety improvements;

(2) develop criteria, in conjunction with the department's bicycle, pedestrian and equestrian committee, school districts and law enforcement agencies and with input from parents, teachers and school administrators, to be used in evaluating the applications of the program; and

(3) include information about the safe routes to school program in public awareness campaigns about traffic safety.

**67-3-62. Provisions for pedestrian, bicycle and equestrian traffic required. (1979)**

A. No expenditure or contract for the expenditure of state public funds for purposes of constructing highways along new alignments or for purposes of substantially widening highways along the existing alignments shall be made or entered into by the state highway department unless the design and construction of such highways makes provision for pedestrian, bicycle and equestrian traffic along and across such highway, except when the state highway department, after notice and a public hearing, determines, pursuant to its published regulations as provided in Section 67-3-63 NMSA 1978, that:

(1) Such provisions for pedestrian, bicycle and equestrian traffic would be contrary to the public safety;

or

(2) The cost of such provision would be disproportionate to the need or probable usage.

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

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

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

(3) The highway department is petitioned by authorized officials of affected pedestrian, bicycle or equestrian associations. If such petition is filed, public hearing shall be held.

For purposes of Paragraphs (1) and (2) of this subsection, the requirement for notice and public hearing may be satisfied by publishing two notices of opportunity for a public hearing and holding a public hearing if written request for such a hearing is received within the time specified in the published notice.

**66-10-10. Motorcycle training fund created; purpose. (1993)**

A. There is created in the state treasury the "motorcycle training fund". The fund shall be invested in accordance with the provisions of Section 6-10-10 NMSA 1978, and all income earned on the fund shall be credited to the fund.

B. The motorcycle training fund shall be used to institute and provide a statewide system of motorcycle training and driver awareness and education in the dangers of driving while under the influence of alcohol or drugs for first-time license applicants and to provide for the purchase of necessary equipment and provide for such support services as are necessary for the establishment and maintenance of the system.

C. First-time applicants for a motorcycle license or an endorsement on their New Mexico driver's license may be required to complete a motorcycle driver education program as prescribed by the rules and regulations of the bureau.

D. The bureau shall adopt rules and regulations as prescribed in the State Rules Act [14-4-1 NMSA 1978] for the administration of a statewide motorcycle driver education program to be administered by the bureau. The program shall include, but not be limited to:

- (1) helmet use and effectiveness;
- (2) motorcycle accident and fatality statistics;
- (3) drug and alcohol abuse information, laws and statistics;
- (4) street and highway safe driving habits; and
- (5) defensive driving.

E. The bureau shall cooperate with the state department of public education to distribute information through the public school systems.

F. All money in the motorcycle training fund is appropriated to the bureau for the purpose of carrying out the provisions of Subsection B of this section; provided that at the end of the seventy-second fiscal year and all subsequent fiscal years, all money in the motorcycle training fund in excess of the amount budgeted for the purposes delineated in Subsection B of this section shall revert to the state road fund.