

AN ACT

RELATING TO MOTOR VEHICLES; CLARIFYING STATE POLICE AUTHORITY
TO CLOSE STATE HIGHWAYS.

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

Section 1. Section 66-7-11 NMSA 1978 (being Laws 1987,
Chapter 280, Section 1) is amended to read:

"66-7-11. NEW MEXICO STATE POLICE POWER TO CLOSE
CERTAIN HIGHWAYS IN EMERGENCIES.--Notwithstanding any rule or
agreement of the department of transportation, the New Mexico
state police, in cases of emergency where the condition of a
state, United States or interstate highway presents a
substantial danger to vehicular travel by reason of storm,
fire, accident, spillage of hazardous materials or other
unusual or dangerous conditions, may temporarily close such
highway to vehicular travel; provided that the state police
shall use all means necessary to reroute traffic around the
accident or incident scene using lanes, shoulders, frontage
roads or alternative routes that may be available and
physically unaffected by the accident or incident. The
department of transportation shall be notified of the highway
closure as soon as practicable and assist the state police
with traffic control. During the course of any investigation
where evidence is present in the travel portion of the
roadway, such evidence shall be documented and collected first

so that the roadway can be cleared and traffic can be routed through the scene. Any other law enforcement agency that may be investigating an accident or incident where the investigating agency believes closure of the highway is necessary shall contact the state police immediately. The state police shall evaluate the emergency situation and determine if the closure is necessary and, with the assistance of the investigating agency, shall reroute traffic around the accident or incident scene. The state police shall make the final determination regarding the length of time it is necessary to have the highway closed and other law enforcement agencies shall adhere to the directions of the state police."