

1 SENATE BILL 11  
2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 2024**

3 INTRODUCED BY  
4 Mark Moores  
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10 AN ACT

11 RELATING TO PUBLIC SAFETY; ENACTING THE UNSAFE USE OF PUBLIC  
12 HIGHWAYS AND MEDIANS ACT; DEFINING TERMS; PRESCRIBING  
13 PENALTIES; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978.  
14

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

16 SECTION 1. [NEW MATERIAL] SHORT TITLE.--Sections 1  
17 through 4 of this act may be cited as the "Unsafe Use of Public  
18 Highways and Medians Act".

19 SECTION 2. [NEW MATERIAL] FINDINGS AND PURPOSE.--The  
20 legislature finds that:

21 A. thousands of pedestrians die and tens of  
22 thousands are injured by encounters with vehicular traffic  
23 annually, according to the national highway traffic safety  
24 administration;

25 B. New Mexico has had the nation's highest rate of  
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1 pedestrian fatalities per capita in recent years, according to  
2 the governors highway safety association;

3 C. many existing highway configurations cannot  
4 safely accommodate the presence of pedestrians upon a highway  
5 median;

6 D. pedestrians who enter highway travel lanes or  
7 remain on narrow highway medians pose a danger to drivers, who  
8 may swerve and crash to avoid hitting a pedestrian; and

9 E. the state of New Mexico has a compelling  
10 interest in adopting laws that promote safety and prevent  
11 deaths and injuries resulting from the presence of pedestrians  
12 in highway travel lanes and on narrow highway medians not  
13 designed for pedestrian use.

14 SECTION 3. [NEW MATERIAL] DEFINITIONS.--As used in the  
15 Unsafe Use of Public Highways and Medians Act:

16 A. "highway" means every road, thoroughfare, street  
17 or way generally open to public use for the purpose of  
18 vehicular traffic;

19 B. "median" means the area of land between opposing  
20 lanes of traffic on divided highways;

21 C. "pedestrian" means any natural person who is on  
22 foot or is using:

23 (1) a means of conveyance propelled by human  
24 power other than a bicycle; or

25 (2) an electric personal assistive mobility

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1 device; and

2 D. "travel lane" means the portion of a highway  
3 dedicated to the movement of motor vehicles from one  
4 destination to another where a motor vehicle may not remain  
5 stationary indefinitely without obstructing the free flow of  
6 traffic and does not include shoulders, bicycle lanes or on-  
7 street parking.

8 SECTION 4. [NEW MATERIAL] UNSAFE USE OF PUBLIC HIGHWAYS  
9 AND MEDIANS--PENALTY.--

10 A. It is unlawful for a pedestrian to:

- 11 (1) occupy a travel lane of a highway; or
- 12 (2) occupy a travel lane of the exit or  
13 entrance ramp of a highway.

14 B. It is unlawful for a person to access, use,  
15 occupy, congregate or assemble on a median of a highway with a  
16 posted speed limit of thirty miles per hour or greater and that  
17 does not possess a flat area at least thirty-six inches in  
18 width.

19 C. The provisions of Subsections A and B of this  
20 section do not apply to:

21 (1) occupying a travel lane of a highway or  
22 the travel lane of the exit or entrance ramp of a highway for  
23 the purpose of legally crossing a highway;

24 (2) walking along and upon a highway, as  
25 provided in Section 66-7-339 NMSA 1978;

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1 (3) maintenance, repair or construction  
2 activities within medians or highway areas by public agencies  
3 or their agents;

4 (4) law enforcement officers engaged in the  
5 performance of their official duties;

6 (5) entering or exiting a bus or other form of  
7 public transit at authorized pick-up and drop-off locations; or

8 (6) physical interactions or exchanges between  
9 pedestrians and occupants of vehicles where the vehicle is  
10 lawfully stopped or pulled over outside of a travel lane or  
11 parked at a location where on-street parking is permitted.

12 D. A person who violates the provisions of this  
13 section is guilty of a petty misdemeanor and shall be sentenced  
14 pursuant to the provisions of Section 31-19-1 NMSA 1978.

15 SECTION 5. Section 66-7-339 NMSA 1978 (being Laws 1978,  
16 Chapter 35, Section 443, as amended) is amended to read:

17 "66-7-339. PEDESTRIANS ON ROADWAYS.--

18 A. Where sidewalks are provided, it is unlawful for  
19 a pedestrian to walk along and upon an adjacent roadway.

20 B. Where sidewalks are not provided, a pedestrian  
21 walking along and upon a highway shall, when practicable, walk  
22 only on the left side of the roadway or its shoulder facing  
23 traffic that may approach from the opposite direction; provided  
24 that a pedestrian shall not walk upon a highway with a posted  
25 speed limit of thirty miles per hour or greater.

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C. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor.

D. As used in this section, "highway" means every road, thoroughfare, street or way generally open to public use for the purpose of vehicular traffic."

SECTION 6. SEVERABILITY.--If any part of the Unsafe Use of Public Highways and Medians Act is held to be invalid, the remainder or its application to other situations or persons shall not be affected.