

This rule was filed as: 18 NMAC 31.3.

**TITLE 18           TRANSPORTATION AND HIGHWAYS**  
**CHAPTER 31       CLASSIFICATION AND DESIGN STANDARDS FOR HIGHWAYS**  
**PART 3            ALTERNATIVE MODES OF TRANSPORTATION ON LIMITED ACCESS**  
**HIGHWAYS**

18.31.3.1           ISSUING AGENCY: New Mexico State Highway and Transportation Department, Post Office Box 1149, Santa Fe, New Mexico 87504-1149 (505) 827-5547.  
[Recompiled 11/16/01]

18.31.3.2           SCOPE: This Rule will apply to all citizens of, and visitors to, New Mexico.  
[Recompiled 11/16/01]

18.31.3.3           STATUTORY AUTHORITY: Adoption of these regulations is pursuant to authority granted to the State Highway Commission under Sections 66-7-321 and 67-11-4, NMSA 1978, as amended  
[Recompiled 11/16/01]

18.31.3.4           DURATION: Permanent.  
[Recompiled 11/16/01]

18.31.3.5           EFFECTIVE DATE: March 15, 1997, unless a later date is cited at the end of a section or paragraph  
[Recompiled 11/16/01]

18.31.3.6           OBJECTIVE: The objective of this rule is to prohibit or regulate certain modes of transportation on limited access highways. Interstate highways are designed for motor vehicles. There is an inherent danger anytime motorized and non-motorized modes of transportation mix. There are, however, reasons for allowing bicycles on rural interstates, e.g., facilitating bicycle touring and recreation can benefit a state's economy; most western states, including four of the five states contiguous to New Mexico allow bicycles on the shoulders of interstate highways; interstate shoulders provide a less dangerous route for bike touring than some alternative rural highways; and, some bike touring routes in New Mexico can only be pursued by riding on the shoulders of some rural interstates. This rule is designed to delineate which modes of transportation are prohibited on interstates and to establish the conditions under which bicycles may be operated in interstate highways right-of-way. Allowing bicycles on the shoulders of some interstate highways is not intended to stand as a route recommendation, nor to imply that such shoulders are safer for bicyclists than other routes.  
[Recompiled 11/16/01]

18.31.3.7           DEFINITIONS:

A.           "Bicycle" means every device propelled by human power upon which any person may ride, having two tandem wheels, except scooters and similar devices.

B.           "Bikeway" means any road, path or way which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

C.           "Equestrian" means a person on horseback.

D.           "Interstate highway" means a principal highway system between states. The highest type of arterial highway; an expressway with full control of access.

E.           "Pedestrian" means any natural person on foot.

F.           "Right-of-way" means, in the appropriate context, a general term denoting land, property or interest therein, usually in a strip, acquired for or devoted to transportation needs.

G.           "Shoulder" means outside portion of a highway contiguous to the roadway that is primarily for use by motor vehicles with problems.

H.           "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including any frame, chassis or body of any vehicle or motor vehicle, except devices that are moved exclusively by human power or used exclusively upon stationary rails or tracks.

[Recompiled 11/16/01]

18.31.3.8 TRANSPORTATION MODES PROHIBITED FROM INTERSTATE HIGHWAYS:

A. Equestrians, pedestrians, other non-motorized vehicles and low-power motor vehicles, such as motor scooters and all-terrain vehicles, are prohibited from using any interstate highway right-of-way for transportation or recreation purposes. Such interstate highways shall be signed appropriately.

B. Bicyclists are prohibited from using any interstate highway right-of-way for transportation or recreation purposes within the boundaries of cities with a population of 50,000 or more. Bicyclists are also prohibited from using any interstate highway right-of-way deemed inappropriate by the Secretary of Highways or his or her designee. Interstate highways prohibited for use by bicyclists shall be signed appropriately.

C. Where not otherwise prohibited, bicyclists are permitted to use interstate highways in New Mexico provided that they ride on the shoulders of the interstate highways.

[Recompiled 11/16/01]

HISTORY OF 18.31.3 NMAC:

Pre-NMAC Filing History:

The material in this part was derived from that previously filed with the commission of public records-state records center and archives.

Rule No. LD 101, "Motorized Bicycles" Prohibited from Using any Portion of the Interstate Highway System, 10/26/77.

History of Repealed Material: [RESERVED]