



VILLAGE OF CORRALES

ORDINANCE NO. 11-012

**AN ORDINANCE ADDING A NEW SECTION 12-6-2.17
TO THE UNIFORM TRAFFIC ORDINANCE OF THE
VILLAGE OF CORRALES, AS ADOPTED BY ORDINANCE
10-007 ON AUGUST 24, 2010; RELATING TO THE DUTY OF
MOTORISTS TO BICYCLISTS, INCLUDING REQUIREMENTS
FOR SAFELY APPROACHING OR PASSING A BICYCLIST
AT A DISTANCE OF NO LESS THAN THREE (3) FEET, AND
FOR TURNING ACROSS A BICYCLE LANE, PATH OR TRAIL;
PROVIDING A PENALTY ASSESSMENT FOR VIOLATION.**

WHEREAS, the Village Council, the governing body (“Governing Body”) of the Village of Corrales (the “Village”) finds that the use of bicycles for both recreational and transportation purposes should be encouraged in the Village; and

WHEREAS, the Village has provided for bicycle lanes along and adjacent to some Village streets and roads and there are many recreational trails in the Village that are used by bicyclists as well as pedestrians and equestrians; and

WHEREAS, the Governing Body finds that there have been a number of collisions between motor vehicles and bicyclists in the Village, commonly as a consequence of motorists failing to provide adequate distance from bicyclists being lawfully operated on public streets and roads or on bicycle lanes, paths and trails; and

WHEREAS, the Governing Body finds that specific provisions should be added to the Village’s Uniform Traffic Ordinance relating to the duties of motor vehicle operators with regard to bicyclists riding on public streets and roads or on bicycle lanes, paths and trails; and

WHEREAS, the Governing Body further finds that a penalty assessment provision should be provided for violation of such provisions relating to the duties of motor vehicle operators to bicyclists.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Village of Corrales, New Mexico, that:

Section 1. The following Section 12-6-2.17 is hereby adopted and shall be incorporated as a part of the Uniform Traffic Ordinance of the Village of Corrales, as adopted by Ordinance 10-007 on August 24, 2010:

12-6-2.17 DUTIES OF MOTORIST TO BICYCLIST

A. A driver of a motor vehicle shall proceed with caution when approaching or passing a person on a bicycle and shall pass the bicyclist at a reasonable speed and keep a safe distance from the bicyclist; provided that in no event shall a distance of less than three (3) feet be considered a safe distance within the meaning of this section, and provided further that the motorist shall not pass the bicyclist if the requirements of this section cause the motorist to cross the center line of the road when there is a vehicle approaching in the opposite direction, but a motorist may cross the center line, notwithstanding the provisions of Section 12-6-2.7B, if allowing the requisite three feet requires the motorist to cross the center line and there is no oncoming traffic..

B. No person shall drive or operate a motor vehicle upon or across a bicycle lane, path or trail except to cross such bicycle lane, path or trail by the shortest reasonable route where turning is permitted, to park such vehicle in a permitted location, or to leave a parking space. No motorist shall drive upon or across any bicycle lane, path or trail as permitted by this Subsection except after yielding the right-of-way to all bicyclists within the bicycle lane or path, or to any user of the trail whether or not operating a bicycle.

C. Whenever a motorist is turning across a bicycle lane, path or trail, such motorist shall maintain a proper lookout for bicyclists or other trail users and shall yield the right-of-way to any bicyclist traveling in the bicycle lane or path, or to any user of the trail whether or not operating a bicycle. Where there is a bicycle lane at the right edge of the street or highway, a motorist before making a right turn shall merge, if practicable, into the bicycle lane, yielding the right-of-way to any bicyclists therein, before the start of the turning movement.

D. Nothing in this Section 12-6-2.17 shall be deemed to relieve any motorist or bicyclist of any other duty imposed by law. All provisions of the Uniform Traffic Ordinance relating to the operation of bicycles, including without limitation Section 12-8-2 (Traffic Ordinance Applies to Persons Riding Bicycles), Section 12-8-5 (Riding on Streets and Bicycle Paths), and Section 12-8-8 (Obedience to Traffic-Control Devices) , remain fully effective and enforceable notwithstanding any provision of this Section 12-6-2.17.

Section 2. The following penalty assessment provision shall be added to the list of penalty assessment misdemeanors provided in the Uniform Traffic Ordinance of the Village of Corrales:

| Village/UTO Ordinance | Designated Court Fine | Violation State Description | Bond | Statute |
|------------------------------|------------------------------|------------------------------------|-------------|----------------|
| 12-6-2.17 | \$129 | Duty to Bicyclist or Trail User | \$129 | * |

SEVERABILITY CLAUSE: Should any section, paragraph, clause or provision of this Ordinance be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance. The Governing Body of the Village of Corrales


hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, word or phrase thereof irrespective of any one or more sections, subsections, sentences, clauses, words or phrases being declared unconstitutional or otherwise invalid.

COMPILING CLAUSE: The amendment made by this Ordinance shall be incorporated in and compiled as a part of the Uniform Traffic Ordinance of the Village of Corrales.

EFFECTIVE DATE AND PUBLICATION: This Ordinance shall become effective and be in full force and effect from and after its passage, publication and posting, according to law.

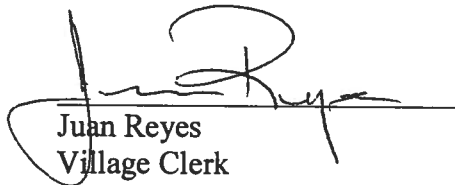
PASSED, APPROVED AND ADOPTED by the Governing Body of the Village of Corrales, New Mexico, this 14th day of June, 2011.

APPROVED:



The Honorable Philip Gasteyer
Mayor, Village of Corrales

ATTEST:



Juan Reyes
Village Clerk