

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2011 - 7**

3 **INTRODUCED BY:**

4
5 **Councilor Bushee**

6
7
8
9
10 **A RESOLUTION**

11 **URGING THE NEW MEXICO STATE LEGISLATURE TO ADOPT AN ACT**
12 **RELATING TO MOTOR VEHICLES; PROVIDING THAT A MOTORIST MUST PASS**
13 **A BICYCLIST WITH AT LEAST A FIVE-FOOT DISTANCE; ESTABLISHING A**
14 **PENALTY ASSESSMENT MISDEMEANOR.**

15
16 **WHEREAS,** a bill is proposed to be introduced in the New Mexico Senate creating a
17 new Section 66-7-374 NMSA that would state: "APPROACHING OR PASSING BICYCLIST.--
18 A driver of a motor vehicle shall proceed with caution when approaching or passing a person on a
19 bicycle and shall pass the bicyclist at a reasonable speed and keep a safe distance from the
20 bicyclist; provided that in no event shall a distance of less than five feet be considered a safe
21 distance within the meaning of this section, and provided further that the motorist shall not pass
22 the bicyclist if the requirements of this section cause the motorist to cross the center line of the
23 road when there is a vehicle approaching in the opposite direction, but a motorist may cross the
24 center line, notwithstanding the provisions of Section 66-7-315 NMSA 1978, if allowing the
25 requisite five feet requires the motorist to cross the center line and there is no oncoming traffic.";

1 and

2 **WHEREAS**, the bill would establish a penalty assessment of \$25.00 for violating the
3 proposed law; and

4 **WHEREAS**, the bill is intended to minimize the unsafe passing of bicyclists by motor
5 vehicles and thus prevent unnecessary injury and death to bicyclists; and

6 **WHEREAS**, numerous studies have shown that the behavior of motorists controls the
7 likelihood of collisions with bicyclists; and

8 **WHEREAS**, the National Highway Traffic Safety Administration (“NHTSA”) stated in
9 its *Traffic Safety Facts – 2008 Data* that in the United States:

10 “716 bicyclists were killed and an additional 52,000 were injured in traffic
11 crashes. Bicyclist deaths accounted for 2 percent of all traffic fatalities, and
12 bicyclists made up 2 percent of all the people injured in traffic crashes during the
13 year.”; and

14 **WHEREAS**, according to such 2008 data from the NHTSA, out of 366 traffic fatalities
15 in New Mexico, 7 of the fatalities were bicyclists; and

16 **WHEREAS**, thousands of New Mexico bicyclists depend upon public roadways for
17 essential transportation out of economic necessity; and

18 **WHEREAS**, bicycling is an important affordable alternative means of transportation that
19 does not rely upon nonrenewable carbon based resources and does not increase carbon emissions
20 thereby being environmentally and economically sustainable.

21 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
22 **CITY OF SANTA FE** that the Governing Body urges the New Mexico state legislature to adopt
23 an act relating to motor vehicles; providing that a motorist must pass a bicyclist with at least a
24 five-foot distance; and establishing a penalty assessment misdemeanor.

25 **BE IT FURTHER RESOLVED** that the City Clerk is directed to forward a copy of this

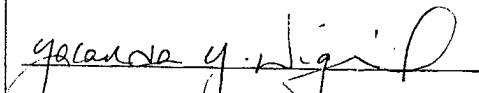
1 resolution to the Governor of the State of New Mexico, the city of Santa Fe's legislative
2 delegation and the City of Santa Fe lobbyist.

3 PASSED, APPROVED, and ADOPTED this 26th day of January, 2011.

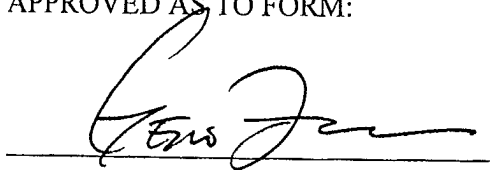
4
5
6 

7 DAVID COSS, MAYOR
8

9 ATTEST:

10
11 
12 YOLANDA Y. VIGIL, CITY CLERK

13
14 APPROVED AS TO FORM:

15
16 

17 GENO ZAMORA, CITY ATTORNEY
18
19
20
21
22
23
24

25 Jp/ca/jpmb/2011res/bike passing