



VILLAGE OF LOS LUNAS ORDINANCE 478

An Ordinance Amending Title 10 – Vehicles and Traffic to add Chapter 10.28 – Pedestrians’ Rights and Duties

WHEREAS, the Village of Los Lunas is a legally and regularly created, established, organized and existing municipal corporation under the general laws of the State of New Mexico; and

WHEREAS, according to the National Highway Traffic Safety Administration (NHTSA), more than 6,000 pedestrians die and 75,000 are injured by encounters with vehicle traffic annually; and

WHEREAS, New Mexico has been among the worst states for pedestrian fatalities for several years, including 2023 with the highest rate of pedestrian deaths per 100,000 residents in the country; and

WHEREAS, one source of pedestrian deaths or injuries is the occupation of medians that are not designed for use by pedestrians; and

WHEREAS, The Federal Highway Administration identifies Pedestrian Refuge Islands as an important safety measure to make intersections safe for pedestrians and help set a minimum standard for safe medians. Pedestrian Refuge Islands are recommended for roads with speed limits 35 mph or over, should be at least four (4) feet wide, and offer adequate length for crossing pedestrians.

WHEREAS, Per the Mid Region Council of Governments Regional Transportation Safety Action Plan 2024, medians with a pedestrian refuge island provide a 56% reduction in pedestrian crashes; and

WHEREAS, the Village of Los Lunas has identified 19 medians with a road width narrower than 4ft at high traffic intersections throughout the community; and

WHEREAS, Since January 1, 2015, the Los Lunas Police Department has responded to 160 total vehicular accidents in the intersections with identified medians, all of which would have put the life of an occupant of the median in danger; and

WHEREAS, pedestrian injuries and deaths are a common and unfortunate occurrence in the region and throughout the country, including:

- On September 15, 2020, Rachanda Meyers, a mother of three boys, was killed after being struck by a vehicle while sitting in a narrow section of the median on the Pan American Freeway in Albuquerque (<https://www.krqe.com/news/crime/man-charged-after-accused-of-running-over-woman-sitting-in-median/>)
- In April 2021, five women suffered injuries when they were struck by a car while standing on a median in Randolph County, Missouri (<https://www.komu.com/news/midmissourinews/5->

[women-hurt-in-pedestrian-crash-in-randolph-county/article_1df84d36-a6af-11eb-b021-cb8752cf5942.html](https://www.washingtonpost.com/local/obituaries/women-hurt-in-pedestrian-crash-in-randolph-county/article_1df84d36-a6af-11eb-b021-cb8752cf5942.html)

- In May 2021, a pedestrian was struck and killed while standing on a median in Memphis, Tennessee (<https://wreg.com/news/homeless-man-killed-at-kirby-parkway-385-driver-says-someone-inside-his-car-caused-the-crash/>)
- In November 2021, a man standing on a median in Kimball Junction, Utah was struck and killed in a multi-car collision (<https://www.parkrecord.com/2021/12/01/pedestrian-dead-after-multi-vehicle-car-crash-in-kimball-junction/>)

WHEREAS, these deaths and injuries occur, in part, because roadway medians are not designed for use by pedestrians; instead, they are designed for the purposes of channelizing traffic, promoting roadway safety by separating opposing lanes of traffic, and enhancing community aesthetics through landscape and artistic features; and

WHEREAS, many existing roadway configurations in the Village cannot safely accommodate the presence of pedestrians within a median; and

WHEREAS, the Village has a compelling interest in adopting laws that help promote safety and prevent deaths and injuries resulting from the presence of pedestrians in narrow medians not designed for pedestrian use; and

WHEREAS, notwithstanding that occupancy of any median by pedestrians presents a traffic safety risk, this amended ordinance attempts to identify and prohibit the use of only those medians that pose risks to pedestrian safety due to their narrowness and their presence in high-speed, high-intensity roadways; and

WHEREAS, the Village expects that the Los Lunas Police Department will enforce the provisions of this ordinance in a fair and unbiased way, regardless of the reason any individual is engaging in proscribed activities; and

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF LOS LUNAS, COUNTY OF VALENCIA, STATE OF NEW MEXICO THAT,

TITLE 10 (VEHICLES AND TRAFFIC) BE AMENDED TO ADD CHAPTER 10.28 (PEDESTRIANS' RIGHTS AND DUTIES) AS FOLLOWS:

CHAPTER 10.28 - PEDESTRIANS' RIGHTS AND DUTIES

10.28.010 Usage of medians.

- A. It is unlawful for any person to stand in any travel lane of a street, highway, or controlled access roadway or in any travel lane of the exit or entrance ramps thereto, or to otherwise enter a travel lane of a street, highway, or controlled access roadway or in any travel lane of the exit or entrance ramps thereto, except for the purpose of legally crossing;
- B. It is unlawful for any person to access, use, occupy, congregate or assemble on any median that is located on any roadway with a posted speed limit of 30 miles per hour or greater and that does not possess a flat area of at least four feet (4') in diameter.

10.28.020 Exceptions.

This section shall not apply to:

- A. Any person legally crossing the roadway;

- B. Any injured or disabled person legally crossing the roadway who is unexpectedly incapacitated on the median;
- C. Any person entering or exiting a bus or other form of public transit at authorized pick-up and drop-off locations;
- D. Any person engaged in law enforcement, public safety, or rescue activities, including providing assistance to an injured or disabled person or disabled vehicle;
- E. Any person engaged in emergency repair or maintenance activities of a vehicle or seeking or awaiting emergency or maintenance services for a disabled vehicle.
- F. Any person engaged in maintenance, repair, or construction activities within medians by public agencies or agents thereof.

10.28.030 Violations.

SUGGESTION:

- A. Prior to a law enforcement officer issuing a citation for a violation of this ordinance, the law enforcement officer shall verify that the person has been issued a written warning. If the person has previously been issued a written warning, the law enforcement officer shall issue a citation to the person for a violation of this ordinance;
- B. Provided that the person has previously been issued a warning for the violation of this Ordinance, upon the conviction or plea of nolo contendere for a violation of this Ordinance the person shall be fined as follows:
 1. Every person under first conviction of this ordinance shall be fined twenty-five dollars;
 2. Every person who is convicted or pleads nolo contendere to a second violation of this ordinance shall be fined fifty dollars; and
 3. Every person who is convicted or pleads nolo contendere to a third and all subsequent violations of this ordinance shall be fined no less than fifty dollars and no more than one hundred dollars.

10.28.040 Severability.

If any section, subsection, term, or provision of this Ordinance shall be declared by a Court of competent jurisdiction to be invalid or unenforceable, the remainder of this Ordinance shall not be affected thereby and shall be valid or enforceable to the fullest extent permitted by law.

PASSED, APPROVED, SIGNED, AND ADOPTED THIS 24TH DAY OF OCTOBER, 2024.

Charles Griego, Mayor

ATTEST:

Gregory Martin
Gregory D. Martin, Village Administrator