



Hon. Gov. Bill Richardson
490 Old Santa Fe Trail
Room 400
Santa Fe, NM 87501

Cc: NMDOT Secretary Gary Girón
NM Transportation Commission Chair Johnny Cope
FHWA/NM Division Administrator J. Don Martinez
Sen. Jeff Bingaman
Sen. Tom Udall
Rep. Martin Heinrich
Rep. Ben Ray Luján
Rep. Harry Teague
NMDOT / BPE Advisory Committee Chair Robert Perry

June 26, 2009

Dear Governor Richardson:

The Bicycle Coalition of New Mexico represents statewide and local advocates for safe, sustainable transportation and healthy recreation throughout New Mexico. This letter is intended to bring to the attention of your office the unsatisfactory conditions of highways in our state, particularly the routine failure to provide sufficient clear space on state highway shoulders for safe use by bicyclists. For the benefit of all road users, we are requesting your assistance in turning this situation around so that New Mexico can continue to play a leadership role in sustainability and sustainable transportation.

For many years, bicyclists around New Mexico have been calling attention to the lack of adequate paved shoulders on our state highways.¹ Unfortunately, these assertions apply not only to older roads lacking shoulders but also to brand new and newly-reconstructed highways. The old “highway department” has changed its name to reflect a multi-modal mission, but the New Mexico Department of Transportation’s standard practices in shoulder maintenance and construction are leading to the creation of an entire state highway system that fails to properly accommodate bicycles. Because of these practices, New Mexico’s national ranking in provision for bicyclists has now dropped to 46th place among the fifty states.²

Exhibits 1-9 below illustrate that these shortcomings are found in critical urban and suburban areas as well as on our state’s most popular scenic byways and longer-range

bike routes. Standard engineering guidance calls for a minimum of four feet, and a desirable minimum of five feet, of clear space on these highways' paved shoulders in order to safely accommodate bicyclists.³ As documented, the NMDOT has consistently failed to achieve this in recent years by (1) minimizing shoulder width, (2) placing roadside barriers or rumble strips within the space needed by bicyclists, and (3) leaving pavement seams along or near the edge of the highway travel lane. These seams are the result of incomplete pavement overlays, a sub-standard construction and maintenance practice that is known to create hazardous conditions for bicyclists and motorcyclists regardless of shoulder width.⁴ They are not found in other states but after a decade of this practice are now ubiquitous in New Mexico.

The cycling community in New Mexico has suffered one disappointment after another as promising and expensive highway projects have only produced missed opportunities to adequately provide for bicyclists. It has even become common for NMDOT construction, maintenance, and "safety" projects to render previously acceptable conditions inadequate and unsafe for bicycles.⁵ As certainly as these projects are presenting bicyclists and other road users in New Mexico with increasingly hazardous conditions, the state is surely encountering an increased degree of liability.

Failing to accommodate bicyclists in our state highway construction is against explicit federal and state law⁶ and runs counter to a variety of federal and state policy and mission statements⁷ embracing multi-modalism and environmentally-sound practices, particularly the reduction of greenhouse gas emissions. Higher-quality shoulders would provide a wide range of significant safety benefits for motorists, law enforcement, pedestrians, bicyclists, motorcyclists, emergency responders, and other service providers; they would make maintenance easier and safer for NMDOT; and they would increase highway longevity. Rather than saving small amounts of money in the short run through incomplete overlays, we believe NMDOT should emphasize saving lives, protecting our long-term investment in transportation, and facilitating non-motorized transportation.

We request that you direct the NMDOT to work internally and with contractors to eliminate the practices that have led to this degradation of our state transportation system. We will continue to pay close attention to highway construction and maintenance in New Mexico. In particular, the High Road to Taos (NM 76) is a popular scenic byway where NMDOT is currently designing a four-mile segment from Cordova to Truchas to include four-foot shoulders. Local input to NMDOT's District 5 raised the issue of insufficient shoulders, and particularly the issue of incomplete pavement overlays in previous work on NM 76, early on in the design process.⁸ BCNM believes that this is an excellent opportunity to collaborate with NMDOT to ensure that AASHTO guidelines are followed.

This project can become a model for the future, and not another disappointment like the recent reconstruction of NM 14 around Cerrillos and Madrid (see Exhibit 1) or the last reconstruction project on NM 76 (see Exhibit 8). Bicycle tourism brings significant money into local economies along the Turquoise Trail, the High Road to Taos, and other

popular byways in New Mexico. Individuals and companies organizing tours and other events will return time and again if they find roads that provide a quality and safe riding experience. If they only encounter unsafe and inadequate bicycle facilities, they will take their trips and clients to other states.

We will be happy to work with your office and with NMDOT and its partners on this and other projects to ensure that our publicly-funded state highways provide safe and adequate space for bicycles. We will also happily work with federal partners, including the Federal Highway Administration and New Mexico's congressional delegation (cc'd), in order to ensure that federal funding is not used for projects that fail to properly accommodate bicycles per federal law.

BCNM and its partners ask that you change NMDOT's shoulder policies for the safety of all. We ask that you grant a meeting with BCNM President Diane Albert, Esq., and other board members, in order to discuss these issues. Ms. Albert can be reached at 505.235.2277 or dalbert@cybermesa.com. Thanks in advance for putting the emphasis back on safe and sustainable transportation that meets the needs of all users.

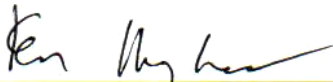
Very Truly Yours,



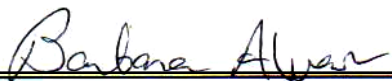
Diane Albert, President
Bicycle Coalition of New Mexico



Bill Thompson, President
New Mexico Touring Society



Ken Hughes, **Transportation Chair**
Sierra Club, New Mexico Chapter



Barbara Alvar, Chairperson
New Mexico Motorcycle Rights Organization

References

¹ See, for example, minutes of public meetings of NMDOT's Bicycle Pedestrian-Equestrian (BPE) Advisory Committee and the BPE Advisory Committee's recommendations submitted to the NMDOT Secretary in the *BPE Advisory Plan*, available on the NMDOT web site at <http://nmshtd.state.nm.us/main.asp?secid=11190>.

² League of American Bicyclists, 2009. See www.bikeleague.org/programs/bicyclefriendlyamerica/bicyclefriendlystate/pdfs/09state_ranking_list.pdf.

³ See American Association of State Highway and Transportation Officials (AASHTO), *A Policy on Geometric Design of Highways and Streets*, along with the companion *AASHTO Guide for the Development of Bicycle Facilities*, p. 24.

⁴ *AASHTO Guide for the Development of Bicycle Facilities*, p. 18.

⁵ See for example, NM518 north of Las Vegas (Exhibit 2); NM53 near Grants (Exhibit 5); US64 in Taos; US64 west of Tres Piedras; and NM333 (Old 66/Tijeras Canyon) (Exhibit 6), NM556 (Tramway in Albuquerque) (Exhibit 7), or any other highway with partial overlay undertaken for maintenance purposes.

⁶ Federal Law: 23 USC Sec. 217, "The Secretary shall not approve any project or take any regulatory action that will ... have an adverse impact on the safety of non-motorized transportation traffic and light motorcycles..."

State Law: NMSA 67-3-62, "Provision for pedestrian, bicycle and equestrian traffic required: No expenditure or contract for the expenditure of state public funds for purposes of constructing highways along new alignments or for purposes of substantially widening highways along existing alignments shall be made or entered into by the state unless the design and construction of such highway makes provision for bicycle, pedestrian and equestrian traffic along and across such highway..."

⁷ For example, "USDOT Policy Statement on Integrating Bicycling and Walking into Transportation Infrastructure" (1999), valid under federal transportation acts ISTEA, TEA-21, SAFETEA-LU: "Bicycling and walking facilities will be incorporated into all transportation projects unless exceptional circumstances exist." For more examples of supporting federal and state policy statements, see NMDOT's *BPE Advisory Plan*, Sections II and IV.

⁸ See message to District 5's Public Information Officer, Karyn Lujan, from Jake Wilson of Ojo Sarco, February 2009 (emphasis added):

"I am writing to urge the New Mexico Department of Transportation to consider the requirements and safety of bicyclists in planning for improvements to NM 76 between Truchas and Cordova... The first phase of improvements to NM 76, from Cordova to Chimayo, was completed several years ago. At that time I was at first excited that an adequate shoulder was being provided. However in the last phase of the project another layer of asphalt was added to the driving lanes but not to the shoulder, resulting in a dropoff to the shoulder which makes it **dangerous and virtually unusable to cyclists** [see Exhibit 8]. The problems of this pavement treatment were discussed in a recent article in the New Mexican (January 28, 2009) which reported on a **resolution [passed] by the Santa Fe City Council** asking the state to change this paving practice in the interest of bicycle safety. By simply maintaining the same pavement level on the shoulder as on the driving lanes the DOT could make the shoulder a safe lane for cyclists. I strongly urge that this be done on the new construction..."

Exhibits 1-5

1. NM14 near Madrid
(Turquoise Trail Scenic Byway)



2. NM518 San Miguel-Mora County Line
(Old Santa Fe Trail Scenic Byway)



3. US70 Hondo Valley



4. NM28 South of Mesilla
(Camino Real Scenic Byway)



5. NM53 West of Grants
(Native Heritage Trail / Ancient Way)



Exhibits 6-9

6. NM333 Tijeras Canyon (Old Route 66 Scenic Byway)



7. NM556 (Tramway Blvd.) Albuquerque



8. NM76 North of Cordova (High Road to Taos Scenic Byway)



9. US180 Silver City (Designated Bike Lane)

