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1 WHEREAS, the Vision Zero Action Plan YIR for 2023 recommended the
2 establishment of a permanent funding source for the Vision Zero program to
3 plan, design, implement, and maintain transportation infrastructure; and

4 WHEREAS, the Vision Zero Action Plan YIR for 2023 recommended that the
5 City support ongoing comprehensive educational marketing and engagement
6 campaigns that address the rate and severity of crashes, promote slower
7 speeds, and raise general awareness about traffic safety; and

8 WHEREAS, City Council adopted the Citywide Rank 2 Bikeway and Trail
9 Facilities Plan (2024 BTFP), repealing and replacing the 2015 City of
10 Albuquerque Bikeways and Trails Facility Plan; and

11 WHEREAS, the 2024 Bikeway and Trail Facilities Plan creates useful and
12 comfortable connections and encourages more people to choose bicycling as
13 a mode of transportation, creating a virtuous cycle where drivers become
14 more cognizant of bicyclists and safety increases; and

15 WHEREAS, the 2024 Bikeway and Trail Facilities Plan is consistent with the
16 applicable goals and policies of the Albuquerque/Bernalillo County
17 Comprehensive Plan, Complete Streets Ordinance, Vision Zero Action Plan
18 Year in Review, Climate Action Plan, and other regional planning documents
19 and programs; and

20 WHEREAS, page 115 of the 2024 Bikeway and Trail Facilities Plan
21 recommends, “In partnership with the community and advocates, the City
22 should reevaluate its existing rules, laws, and policies that impact people
23 bicycling and walking and investigate if there are opportunities to remove or
24 improve them in alignment with recent national best practices;” and

25 WHEREAS, the 2024 Bikeways and Trail Facilities Plan has the Bear
26 Canyon Arroyo Trail crossings at Wyoming Blvd., Morris St. and Eubank Blvd.
27 as priority trail crossing improvements; and

28 WHEREAS, by improving these three trail crossings, the Bear Canyon
29 Arroyo Trail crossings identified in the 2024 Bikeways and Trail Facilities Plan
30 will be completed; and

31 WHEREAS, along the street segments that come into contact with these
32 trail crossings, there have been crashes ending in 166 injuries and 2 fatalities

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1 from 2015 – 2023 per the City and MRCOG High Fatality Injury Network data;
2 and

3 WHEREAS, representatives of the Mayor’s Office, City Council, the
4 Department of Municipal Development, and the Parks & Recreation
5 Department met with community members, advocates, and state legislators to
6 evaluate existing rules, laws, and policies that impact people bicycling and
7 walking, and to review and discuss proposed changes contained herein.

8 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
9 ALBUQUERQUE:

10 SECTION 1. ROA 1994, Chapter 8, Article 1 General Provisions of the Traffic
11 Code is amended as follows:

12 § 8-1-1-2 DEFINITIONS.

13 **BIKEWAY.** A generic term for any road, street, path or way which in some
14 manner is specifically designated for bicycle travel, regardless of whether
15 such facilities are designed for the exclusive use of bicycles or are to be
16 shared with other transportation modes.

17 **CROSSWALK.** That part of the roadway at an intersection included within
18 the prolongation or connection of the lateral lines of the sidewalks on
19 opposite sides of the highway measured from the curbs, or in the absence of
20 curbs, from the edges of the traversable roadway, whether marked or
21 unmarked; or any portion of a roadway, at an intersection, multi-use trail
22 crossing, or elsewhere, distinctly indicated for vulnerable road user crossing
23 by signage, traffic control devices, or lines or other markings on the surface.

24 **ENGINEERING AND TRAFFIC INVESTIGATION AND/OR STUDY.** A traffic
25 engineering study, investigation, or analysis based on professional
26 engineering judgment, field observation, safety analysis, or other evidence-
27 based best practices. This approach will use data to include, but not limited to,
28 HFIN crash rate, roadway classification, surrounding land use, speed
29 violations, warrant studies, and other variables to justify safety changes.

30 **MULTI-USE TRAIL.** A separate pathway that is physically separated from
31 motor vehicle traffic by a buffer or barrier and either within the highway right-
32 of-way or within an independent right-of-way. Multi-use trails are designated
33 by signs for use by non-motorized traffic only, including pedestrians,

1 bicyclists, skaters, scooters, e-bikes or powered micromobility devices,
2 wheelchair users, joggers, other non-motorized users, and equestrians. Not all
3 trails may accommodate all of these uses. Most trails are designed for two-
4 way travel. Trails may be either hard-surface or soft-surface; or paved or
5 unpaved.

6 ***PEDESTRIAN.*** Any person traveling by foot, wheelchair, or personal
7 assistive mobility device except for golf carts and all-terrain vehicles (ATV's).

8 ***PEDESTRIAN HYBRID BEACON (PHB).*** A traffic control device designed to
9 help vulnerable road users safely cross higher-speed roadways at midblock
10 crossings and uncontrolled intersections. The beacon head consists of two
11 red lenses above a single yellow lens. The lenses remain "dark" until a
12 vulnerable road user desiring to cross the street pushes the call button to
13 activate the beacon, which then initiates a yellow to red lighting sequence
14 consisting of flashing and steady lights that directs motorists and bicyclists in
15 the roadway facing the vehicular signal to slow and come to a stop, and
16 provides the right-of-way to the vulnerable road user to safely cross the
17 roadway in the crosswalk before going dark again. Also known as a HAWK
18 (High-intensity Activated crossWalk) signal.

19 ***PERSONAL ASSISTIVE MOBILITY DEVICE.*** Specialized equipment that
20 assist individuals with disabilities or mobility impairments in moving around
21 safely and effectively, including but not limited to aids like canes, walkers,
22 crutches, wheelchairs, and electric wheelchairs and scooters.

23 ***POWERED MICROMOBILITY DEVICE.*** A wheeled device that is fully or
24 partially powered, has a curb weight of less than 100 lb., has an electric motor
25 less than 750 watts, and has a top speed of less than 30 mph. A powered
26 micromobility device includes a powered standing scooter, powered self-
27 balancing board or powered skates but does not include electric-assisted
28 bicycles. Powered micromobility device does not include a PERSONAL
29 ASSISTIVE MOBILITY DEVICE as defined in this Chapter.

30 ***RECTANGULAR RAPID FLASHING BEACONS (RRFB).*** A traffic control
31 device designed to enhance vulnerable road user conspicuity and increase
32 driver awareness at uncontrolled, marked crosswalks, used in combination
33 with a pedestrian, bicycle, school, or trail crossing warning sign. RRFBs

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1 consist of two rectangular-shaped yellow lights that flash with an alternating
2 high frequency when activated.

3 **RIGHT OF WAY.** As between two or more vehicles and/or vulnerable road
4 users, the privilege of the immediate use of the roadway.

5 **VULNERABLE ROAD USER.** The term “vulnerable road user” includes:

- 6 (a) A pedestrian;
- 7 (b) A worker; or
- 8 (c) A person lawfully operating or riding any of the following on a public
9 way:

- 10 (1) Bicycle or tricycle;
- 11 (2) A skateboard;
- 12 (3) Roller skates;
- 13 (4) In-line skates;
- 14 (5) A scooter;
- 15 (6) An e-bike or powered micromobility device;
- 16 (7) A wheelchair or other personal assistive mobility device; or
- 17 (8) Any device designed to be used on the roadway or sidewalk that
18 is not a motor vehicle.

19 **WORKER.** Any person actually engaged in work upon a public way or
20 utility facilities along a roadway, or engaged in the provision of emergency
21 services within the right-of-way.

22 **§ 8-1-2-22 CROSSWALKS AND SAFETY ZONES.**

23 The Mayor, or their designated representative, upon the basis of
24 engineering and traffic study and investigation, is hereby authorized to:

25 (A) Designate and maintain crosswalks by appropriate traffic control
26 devices, including but not limited to signs, marks, or lines upon the surface of
27 the roadway, where, in their opinion, there is particular danger to vulnerable
28 road users crossing the roadway; and

29 (B) Establish safety zones of such kind and character at such places as
30 they may deem necessary for the protection of vulnerable road users.

31 **§ 8-1-3-2 JURISDICTION.**

32 The enforcement of this Traffic Code shall be limited to the streets and
33 roadways of the City, unless otherwise specified in a section, and which shall

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1 be deemed to include those thoroughfares on private property used by the
2 public for purposes of vehicular travel by permission of the owner and not as
3 a matter of right; provided, that either the owner or lessor of such private
4 property shall have made application to the Mayor to have the Traffic Code
5 and other applicable ordinances of the City enforced on the thoroughfares on
6 that property and the Mayor shall have granted such application. However, §§
7 8-2-9-1 through 8-2-9-9, 8-2-1-12 and 8-2-1-13 shall not be so limited but also
8 shall be enforced on all publicly or privately owned property and those
9 sections relating to parking regulations shall not be so limited but also shall
10 be enforced on all publicly owned parking lots. When a street is the boundary
11 line between the City and the County, the entire public way shall be deemed
12 within the City.

13 (A) Operators of bicycles have the same rights and responsibilities as
14 operators of automobiles in the use of streets, highways and roadways within
15 the City, except as otherwise specifically provided herein.

16 (B) Provisions listed in this Chapter 8 as applicable to bicycles are equally
17 applicable to e-bikes and powered micromobility devices.

18 SECTION 2. ROA 1994, Chapter 8, Article 2 Traffic Regulations is amended
19 as follows:

20 § 8-2-1-23 FAILURE TO KEEP A PROPER LOOKOUT.

21 No person driving a motor vehicle shall fail to give their full attention to the
22 task of driving and to keep a proper lookout through their windshield, side
23 windows, and rear mirror for any vehicles, motorcycles, motorscooters, farm
24 tractors, and vulnerable road users that they may be approaching or who may
25 be approaching them from any direction and from any street, alley, driveway,
26 bikeway, or multi-use trail.

27 § 8-2-1-32 VEHICLES NOT TO OBSTRUCT INTERSECTION.

28 No driver shall enter an intersection or a crosswalk unless there is
29 sufficient space on the other side of the intersection or crosswalk to
30 accommodate the vehicle they are operating without obstructing the passage
31 of other vehicles or vulnerable road users, notwithstanding any traffic control
32 signal indication to proceed.

33 § 8-2-1-34 YIELDING RIGHT-OF-WAY.

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1 (A) The driver of a vehicle approaching an intersection shall yield the
2 right-of-way to a vehicle or vulnerable road user which has entered the
3 intersection from a different roadway, multi-use trail, or sidewalk.

4 (B) When two vehicles approach an intersection from different roadways
5 at approximately the same time, the driver of the vehicle on the left shall yield
6 the right-of-way to the vehicle on the right.

7 (C) The right-of-way rules declared in divisions (A) and (B) are modified at
8 through roadways and as otherwise provided in this title.

9 § 8-2-1-48 LIMITATIONS ON BACKING.

10 (A) The driver of a vehicle shall not back up unless such movement can
11 be made with reasonable safety and without interfering with other traffic or
12 vulnerable road users.

13 (B) No vehicle shall be backed into an intersection or around a corner
14 unless preceded by an observer to safely direct such movement.

15 (C) In no case shall a vehicle be backed more than 60 feet unless
16 preceded by an observer to safely direct such movement.

17 § 8-2-2-2 TRAFFIC CONTROL LEGEND.

18 Whenever traffic is controlled by traffic control signals exhibiting colored
19 lights or colored lighted arrows, successively one at a time, or in combination,
20 only the colors green, yellow and red shall be used, except for special
21 pedestrian control signals carrying a word legend and the lights indicate and
22 apply to drivers of vehicles and pedestrians.

23 (A) *Green Alone.*

24 (1) Vehicular traffic facing the signal may proceed straight through or
25 turn right or left unless a sign at such place prohibits either turn. But vehicular
26 traffic, including vehicles turning right or left, shall yield the right-of-way to
27 other vehicles and to vulnerable road users lawfully within the intersection at
28 the time such signal is exhibited; and

29 (2) Unless otherwise directed by a pedestrian control signal, vulnerable
30 road users facing the signal may proceed across the street within any marked
31 or unmarked crosswalk and after entering the intersection shall proceed to
32 clear the intersection, and all drivers of vehicles shall yield to any such
33 vulnerable road user.

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1 (B) *Green with Green Arrow.*

2 (1) Vehicular traffic facing the signal may proceed through the
3 intersection, make a right turn, or proceed in the direction indicated by the
4 green arrow, but shall not move in any other direction. Such vehicular traffic
5 shall yield the right-of-way to other vehicles and to vulnerable road users
6 legally within the intersection at the time the signal is exhibited; and

7 (2) Unless otherwise directed by a pedestrian control signal, vulnerable
8 road users facing the signal may proceed across the street within any marked
9 or unmarked crosswalk and after entering the intersection shall proceed to
10 clear the intersection, and all drivers of vehicles shall yield to any such
11 vulnerable road user.

12 (C) *Green Arrow Alone.*

13 (1) Traffic, except pedestrians, facing a green arrow, shown alone or in
14 combination with another indication, may cautiously enter the intersection
15 only to make the movement indicated by such arrow, or such other movement
16 as is permitted by other indications shown at the same time. Such vehicular
17 traffic shall yield the right-of-way to vulnerable road users lawfully within a
18 crosswalk and to other traffic lawfully using the intersection; and

19 (2) Unless otherwise directed by a pedestrian signal, vulnerable road
20 users facing a green arrow may not proceed across the roadway within any
21 marked or unmarked crosswalk until a steady green circular signal is again
22 shown.

23 (D) *Steady Yellow Arrow or Circular Yellow.*

24 (1) Traffic facing a circular yellow or yellow arrow signal is thereby
25 warned that the related green movement is being terminated or that a red
26 indication will be exhibited immediately thereafter when vehicular traffic shall
27 not enter the intersection.

28 (2) No vulnerable road users facing the signal shall enter the roadway
29 until the green is again shown, unless otherwise directed by a pedestrian
30 signal, and except for bicyclists, operating under the provisions of ROA 1994,
31 Chapter 8, Article 3, Part 3 BICYCLES.

32 (E) *Steady Red.*

1 (1) Vehicular traffic facing the signal shall stop before entering the
2 marked or unmarked crosswalk, on the near side of the intersection, and shall
3 remain standing until green is shown. However, if there is no sign prohibiting
4 a right turn on a red light, such vehicle may turn right into the nearest right
5 lane as practicable after standing until the intersection may be entered safely,
6 provided that such vehicle shall yield the right-of-way to all vulnerable road
7 users and other vehicles lawfully in or approaching the intersection.

8 (2) Left Turn on Red Light. When a sign is posted at the intersection
9 allowing a left turn on a red light, vehicular traffic in the lane closest to the left
10 curb may turn left into the nearest left lane as practicable after standing until
11 the intersection may be entered safely, provided that such vehicular traffic
12 shall yield the right-of-way to all vulnerable road users and vehicles lawfully in
13 or approaching the intersection.

14 (3) Vulnerable Road Users. No vulnerable road users facing the signal
15 shall enter the roadway until the green is shown alone unless authorized to do
16 so by a pedestrian "walk" signal, and except for bicyclists, operating under
17 the provisions of ROA 1994, Chapter 8, Article 3, Part 3 BICYCLES.

18 (F) *Red with Green Arrow.*

19 (1) Vehicular traffic facing the signal may cautiously enter the
20 intersection only to make the movement indicated by the arrow, but shall yield
21 the right-of-way to vulnerable road users lawfully within a crosswalk and to
22 other traffic lawfully using the intersection; and

23 (2) No vulnerable road user facing the signal shall enter the street unless
24 they can do so safely and without interfering with any vehicular traffic, and
25 upon entering the intersection, shall proceed to clear the intersection, and all
26 drivers of vehicles shall yield to any such vulnerable road user.

27 (G) *Traffic Control Signal not at Intersection.* If an official traffic control
28 signal is erected and maintained at a place other than an intersection, the
29 provisions of this section shall apply, except as to those provisions which by
30 their nature can have no application. Any stop required shall be made at a sign
31 or marking on the pavement indicating where the stop shall be made, but in
32 the absence of any such sign or marking, the stop shall be made at the signal.

1 (H)(1) The driver of any vehicle approaching an intersection which has
2 official traffic control signals that are inoperative shall stop at the intersection,
3 and may proceed with caution when it is safe to do so, yielding the right-of-
4 way to vulnerable road users in the roadway.

5 (2) When two vehicles stop at an intersection from different highways at
6 the same time, and the official traffic control signals for the intersection are
7 inoperative, the driver of the vehicle on the left shall yield the right-of-way to
8 the vehicle on their immediate right and to vulnerable road users in the
9 roadway.

10 § 8-2-2-3 PEDESTRIAN CONTROL SIGNAL, PEDESTRIAN HYBRID BEACON,
11 AND RECTANGULAR RAPID FLASHING BEACON.

12 (A) Whenever special pedestrian control signals exhibiting the words
13 "WALK" or "DON'T WALK" or images depicting "WALK" or "DON'T WALK"
14 are in place, such signals shall indicate as follows:

15 (1) *Steady "WALK."* Vulnerable road users facing such signal may
16 proceed across the roadway in the direction of the signal and shall be given
17 the right-of-way by the drivers of all vehicles even if the signal has changed to
18 a flashing "DON'T WALK" signal; and

19 (2) *"DON'T WALK."* No vulnerable road users shall start to cross the
20 roadway in the direction of such signal, but any vulnerable road user who has
21 partially completed their crossing on the "WALK" signal shall proceed across
22 the roadway, and all drivers of vehicles shall yield to any such vulnerable road
23 user.

24 (B) PEDESTRIAN HYBRID BEACON (PHB), also known as a HAWK (High-
25 intensity Activated crossWalk) signal.

26 (1) Signal for vehicles.

27 (a) When not in use, the signal for vehicles is dark. Operators of
28 vehicles and bicycles traveling in the roadway facing the signal may proceed
29 straight through or turn right or left, unless a sign or physical barrier at such
30 place prohibits either turn. But vehicular and bicycle traffic, including vehicles
31 and bicycles turning right or left, shall yield the right-of-way to vulnerable road
32 users within the intersection at the time such signal is exhibited.

1 (b) When the push-button has been activated, the signal for vehicles will
2 flash yellow for several seconds to alert drivers that the vehicular signal will
3 turn red soon, and a vulnerable road user is going to cross. Motorists and
4 bicyclists traveling in the roadway facing the signal may proceed but should
5 be prepared to stop in case the vulnerable road user begins crossing
6 prematurely, and shall stop to yield the right-of-way to any vulnerable road
7 user in the crosswalk.

8 (c) When the signal for vehicles is steady yellow, the signal is about to
9 change to red. Motorists and bicyclists traveling in the roadway facing the
10 signal shall slow and stop if able to do so safely.

11 (d) When the signal for vehicles is two steady red lights, all vehicles and
12 bicyclists traveling in the roadway facing the signal must stop and remain
13 stopped.

14 (e) When the signal for vehicles is two alternating flashing red lights,
15 vehicles must stop, then may proceed with caution if the crosswalk is clear of
16 vulnerable road users; bicyclists traveling in the roadway facing the signal
17 shall yield to vulnerable road users in the crosswalk.

18 (2) Signal for vulnerable road users using crosswalk.

19 (a) Steady "WALK." Vulnerable road users facing such signal may
20 proceed across the roadway in the direction of the signal and shall be given
21 the right-of-way by the operators of all vehicles and bicycles traveling in the
22 roadway, even if the signal has changed to a flashing "DON'T WALK" signal.

23 (b) "DON'T WALK." No vulnerable road users shall start to cross the
24 roadway in the direction of such signal, but any vulnerable road user who has
25 partially completed their crossing on the "WALK" signal shall proceed across
26 the roadway, and all drivers of vehicles shall yield to any such vulnerable road
27 user.

28 (C) RECTANGULAR RAPID FLASHING BEACONS (RRFB).

29 (1) When the lights are flashing, the operator of a vehicle or bicycle
30 traveling in the roadway facing the signal shall stop to yield the right-of-way to
31 vulnerable road users in the crosswalk.

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1 (2) No vulnerable road user shall suddenly leave a curb or other place of
2 safety and proceed into the path of a vehicle or bicyclist traveling in the
3 roadway which is so close that it is impossible for the operator to stop.

4 (3) Whenever a vehicle or other device that must comply with duties
5 applicable to the driver of a vehicle is stopped to permit a vulnerable road user
6 to cross the roadway in a crosswalk, the operator of the vehicle or device
7 traveling in the roadway approaching from the rear shall not overtake and
8 pass such vehicle or device.

9 **§ 8-2-2-4 FLASHING SIGNALS.**

10 (A) Whenever an illuminated flashing red or yellow signal is used in a
11 traffic sign or signal, it shall require obedience by vehicular traffic as follows:

12 (1) Flashing Red (Stop Signal). When a red lens is illuminated with
13 intermittent flashes, drivers of vehicles shall stop before entering the nearest
14 crosswalk at an intersection or at a limit line when marked, or if none, then
15 before entering the intersection, and the right to proceed shall be subject to
16 the rule applicable after making a stop at a stop sign, yielding to vulnerable
17 road users;

18 (2) Flashing Yellow (Caution Signal). When a yellow lens is illuminated
19 with intermittent flashes, drivers of vehicles may proceed through the
20 intersection or past such signal with caution, yielding to vulnerable road
21 users.

22 (B) This section shall not apply at railroad grade crossings. Conduct of
23 drivers approaching railroad grade crossings shall be governed by the rules
24 set forth in Part 8 of this Article 2.

25 **§ 8-2-2-5 STOP SIGNS.**

26 (A) *Stop*. Except when directed to proceed by a police officer or other
27 individual with authority under law to direct, control, or regulate traffic, every
28 driver of a vehicle approaching a stop sign shall stop before entering the
29 crosswalk on the near side of the intersection, or, in the event there is no
30 crosswalk, shall stop at a clearly marked line, but if none, then at the point
31 nearest the intersecting roadway where the driver has a view of approaching
32 traffic before entering the intersection.

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1 (B) *Yield Right-of-Way After Stopping.* Except when directed to proceed
2 by a police officer or other individual with authority under law to direct,
3 control, or regulate traffic, every driver of a vehicle approaching a stop
4 intersection indicated by a stop sign shall stop as required by division (A)
5 above and, after having stopped, shall yield the right-of-way to vulnerable road
6 users and to any vehicle which has entered the intersection from another
7 street or which is approaching so closely on the street as to constitute an
8 immediate hazard during the time when the driver is moving across or within
9 the intersection.

10 § 8-2-2-6 YIELD SIGNS.

11 The driver of a vehicle, approaching a "YIELD" sign, shall slow to a
12 reasonable speed for existing conditions of traffic, visibility and roadway
13 surface condition, yielding right-of-way to vulnerable road users and all
14 vehicles on the intersecting street which constitutes an immediate hazard. The
15 driver of a vehicle who proceeds past any "YIELD" sign facing such vulnerable
16 road user or vehicle and who collides with a vulnerable road user or vehicle
17 proceeding on the intersecting street shall be deemed *prima facie* to have
18 violated the provisions of this title.

19 § 8-2-3-1 WHEN DANGEROUS TO PROCEED FORWARD.

20 The operator of any bicycle or motor vehicle shall stop their bicycle or
21 motor vehicle if possible when either a vulnerable road user is in the roadway
22 or motor vehicle is stopped in the roadway immediately ahead and a collision
23 would occur if the operator does not stop, or road and weather conditions are
24 such that the operator's safety, the safety of any other person, or any property
25 is endangered if the operator does not stop.

26 § 8-2-3-2 WHEN EMERGING FROM ALLEY, DRIVEWAY, PRIVATE ROAD AND
27 THE LIKE.

28 The driver of a vehicle emerging from an alley, a driveway, a private road, a
29 building or open land shall stop such vehicle immediately prior to driving
30 either onto the sidewalk or any sidewalk area, yielding the right-of-way to any
31 vulnerable road user as may be necessary to avoid collision, and before and
32 upon entering the roadway shall yield the right-of-way to all vehicles,
33 vulnerable road users, or animals approaching on the roadway.

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1 § 8-2-3-3 KEEPING INTERSECTION UNOBSTRUCTED.

2 No driver shall enter an intersection or a crosswalk unless there is
3 sufficient space on the outer side of the intersection or crosswalk to
4 accommodate the vehicle they are operating without obstructing the passage
5 of other vehicles or vulnerable road users even though a traffic control signal
6 indicates they may proceed.

7 § 8-2-3-4 STOP FOR VISUALLY IMPAIRED PERSON.

8 Whenever a pedestrian, guided by a guide dog or carrying in a raised or
9 extended position a cane or walking stick which is white in color or white
10 tipped with red, is crossing or attempting to cross a public way at a marked or
11 unmarked crosswalk, the driver of every vehicle approaching the intersection
12 or place where such pedestrian is attempting to cross, shall bring their vehicle
13 to a full stop before arriving at such intersection or place of crossing, and
14 before proceeding shall take such precautions as may be necessary to avoid
15 injuring such pedestrian.

16 § 8-2-3-6 VULNERABLE ROAD USER IN CROSSWALK.

17 (A) When traffic control devices are not in place or not in operation, the
18 operator of a bicycle traveling in the roadway or vehicle shall stop to yield the
19 right-of-way to a vulnerable road user in a marked or unmarked crosswalk.
20 However, no vulnerable road user shall suddenly leave a curb or other place of
21 safety and proceed into the path of a vehicle or bicycle traveling in the
22 roadway which is so close that it is impossible for the operator to stop.

23 (B) Whenever a vehicle or other device that must comply with duties
24 applicable to the driver of a vehicle is stopped at a marked or unmarked
25 crosswalk to permit a vulnerable road user to cross the roadway, the operator
26 of the vehicle or device approaching from the rear shall not overtake and pass
27 such vehicle or device.

28 (C) A person on a bicycle, tricycle, skateboard, skates, scooter, e-bike or
29 powered micromobility device upon or along a sidewalk or while crossing a
30 roadway in a crosswalk shall have the rights and duties applicable to a
31 pedestrian under the same circumstances, provided that:

32 (1) The cyclist, skater, scooter operator, e-bike or powered micromobility
33 device operator yields to pedestrians on the sidewalk or crosswalk; and

1 **(2) Use of a bicycle, tricycle, skateboard, skates, scooter, e-bike or**
2 **powered micromobility device on the sidewalk is permitted per § 8-3-3-15 and**
3 **any other applicable provisions of ROA 1994, Chapter 8.**
4 **§ 8-2-6-10 U-TURN.**

5 **No vehicle shall be driven so as to make a U-turn, that is, turned so as to**
6 **proceed in the opposite direction, unless the U-turn can be made in safety and**
7 **without interfering with any other traffic or vulnerable road user, and there is**
8 **no sign so prohibiting a U-turn.**

9 **§ 8-2-7-3 RIGHT-OF-WAY IN CROSSWALK.**

10 **(A) When traffic control devices are not in place or not in operation the**
11 **operator of a vehicle or bicycle traveling in the roadway shall stop to yield the**
12 **right-of-way to a vulnerable road user crossing the roadway within a marked**
13 **or unmarked crosswalk when the vulnerable road user is upon the half of the**
14 **roadway upon which the vehicle is traveling, or when the vulnerable road user**
15 **is approaching so closely from the opposite half of the roadway as to be in**
16 **danger.**

17 **(B) No vulnerable road user shall suddenly leave a curb or other place of**
18 **safety and proceed into the path of a vehicle or bicycle traveling in the**
19 **roadway which is so close that it is impossible for the operator to stop.**

20 **(C) Whenever any vehicle or other device that must comply with duties**
21 **applicable to the driver of a vehicle is stopped at a crosswalk or at any**
22 **intersection to permit a vulnerable road user to cross the roadway, the**
23 **operator of any other vehicle or device approaching from the rear shall not**
24 **overtake and pass such stopped vehicle or device.**

25 **(D) A person on a bicycle, tricycle, skateboard, skates, scooter, e-bike or**
26 **powered micromobility device upon or along a sidewalk or while crossing a**
27 **roadway in a crosswalk shall have the rights and duties applicable to a**
28 **pedestrian under the same circumstances, provided that:**

29 **(1) The cyclist, skater, scooter operator, e-bike or powered micromobility**
30 **device operator yields to pedestrians on the sidewalk or crosswalk; and**

31 **(2) Use of a bicycle, tricycle, skateboard, skates, scooter, e-bike or**
32 **powered micromobility device on the sidewalk is permitted per § 8-3-3-15 and**
33 **any other applicable provisions of ROA 1994, Chapter 8.**

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1 § 8-2-7-7 WALKING ALONG ROADWAY.

2 (A) Where sidewalks are provided, it shall be unlawful for a pedestrian to
3 travel along or upon an adjacent roadway, except as follows:

4 (1) Where existing sidewalks are obstructed, damaged, or otherwise
5 unsuitable for the pedestrian's use, a pedestrian may travel along or upon the
6 adjacent roadway or its shoulder, so long as such travel can occur without
7 obstructing traffic.

8 (2) A pedestrian traveling along or upon a roadway shall, when
9 practicable, travel only on the left side of the roadway or its shoulder facing
10 oncoming traffic.

11 (3) A pedestrian traveling along or upon a roadway or its shoulder shall
12 exercise due care for their own safety.

13 (B) Where sidewalks are not provided, a pedestrian traveling along or
14 upon a roadway shall, when practicable, travel only on the left side of the
15 roadway or its shoulder facing oncoming traffic, and shall exercise due care
16 for their own safety.

17 § 8-2-7-9 PROHIBITED VULNERABLE ROAD USER CROSSINGS.

18 (A) Vulnerable road users shall not cross a roadway at any place except in
19 a crosswalk, except for operators of bicycles, e-bikes, and powered
20 micromobility devices acting under the provisions of ROA 1994, Chapter 8,
21 Article 3, Part 3 BICYCLES.

22 (B) Vulnerable road users, except for operators of bicycles, e-bikes, and
23 powered micromobility devices acting under the provisions of ROA 1994,
24 Chapter 8, Article 3, Part 3 BICYCLES, should not cross at an unmarked,
25 uncontrolled, unsigned crosswalk or intersection where, at one of the next two
26 adjacent crosswalks or intersections within 600 ft, traffic control signals are
27 present.

28 § 8-2-7-11 OBEDIENCE TO RAILROAD SIGNALS.

29 No vulnerable road user shall pass through, around, over or under any
30 crossing gate or barrier at a railroad grade crossing while such gate or barrier
31 is closed or being opened or closed.

32 § 8-2-7-12 DRIVERS TO EXERCISE DUE CARE.

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1 Notwithstanding the foregoing provisions of this article, every driver of a
2 vehicle shall exercise due care to avoid colliding with a vulnerable road user
3 upon a roadway in all circumstances and shall give warning by sounding the
4 horn when necessary and shall exercise proper precaution upon observing
5 any vulnerable road user or a child or a confused or incapacitated person
6 upon a roadway.

7 SECTION 3. ROA 1994, Chapter 8, Article 3, Part 3 Bicycles is amended as
8 follows:

9 § 8-3-3-1 JURISDICTION.

10 The regulations in §§ 8-3-3-1 et seq. shall be applicable whenever a bicycle,
11 e-bikes, or powered micromobility devices is operated on any municipal
12 bikeway or multi-use trail set aside for the exclusive use of bicycles, e-bikes,
13 or powered micromobility devices or set aside for use of bicycles, e-bikes, or
14 powered micromobility devices with pedestrians, motorcycles and/or
15 horseback riders and shall also be applicable to all streets, parking lots and
16 the like, regardless of road surfaces covered by § 8-1-3-2. Provisions listed in
17 this Article 3 as applicable to bicycles are equally applicable to e-bikes and
18 powered micromobility devices.

19 § 8-3-3-4 TRAFFIC REGULATIONS APPLY.

20 (A) Operators of bicycles have the same rights as operators of
21 automobiles in the use of streets, highways and roadways within the City,
22 except as otherwise specifically provided herein and in Chapter 8, Article 2.

23 § 8-3-3-5 OBEDIENCE TO TRAFFIC CONTROL DEVICES.

24 (A) Any person operating a bicycle shall obey the instructions of official
25 traffic control signals, signs, and other control devices applicable to vehicles,
26 unless otherwise directed by a police officer or other individual with authority
27 under law to direct, control, or regulate traffic, or as follows:

28 (1) Except when directed to proceed by a police officer or other individual
29 with authority under law to direct, control, or regulate traffic, every person
30 riding a bicycle and approaching a stop intersection indicated by a red traffic
31 control signal shall stop before entering the crosswalk on the near side of the
32 intersection or, in the event there is no crosswalk, shall stop at a clearly
33 marked stop line, but if none, then at the point nearest the intersecting

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1 roadway before entering the intersection. After stopping, if there is no
2 approaching vulnerable road user or vehicle traffic with the right of way, the
3 person riding a bicycle may proceed through the intersection without waiting
4 for the traffic control signal to turn green.

5 (2) Except when directed to proceed by a police officer or other individual
6 with authority under law to direct, control, or regulate traffic, every person
7 riding a bicycle and approaching an intersection with a stop sign or a yield
8 sign, if there is no approaching vulnerable road user or vehicle traffic with the
9 right of way, the person riding a bicycle may proceed through the intersection
10 without stopping. If required for safety to stop, the person riding a bicycle
11 shall stop before entering the crosswalk on the near side of the intersection
12 or, in the event there is no crosswalk, at a clearly marked stop line, but if none,
13 then at the point nearest the intersecting roadway where the person riding a
14 bicycle has a view of approaching traffic on the intersecting roadway.

15 (B) Whenever authorized signs are erected indicating that no right or left
16 or U-turn is permitted, no person operating a bicycle shall disobey the
17 direction of any such sign, except where such person dismounts from the
18 bicycle to make such turn, in which event such person shall then obey the
19 regulations applicable to pedestrians.

20 (C) Any person operating a bicycle, e-bike, or powered micromobility
21 device on a street or controlled access roadway is responsible for using due
22 care in the operation of their vehicle and or device.

23 **§ 8-3-3-7 OPERATION IN BICYCLE LANE.**

24 Where the bicycle lane provides a minimum of four feet of ride-able space
25 or once a bicyclist has entered a bicycle lane, bicyclist shall endeavor to
26 maintain the lane except:

27 (A) At intersections;

28 (B) To pass a slower vulnerable road user, or to avoid parked cars or
29 obstacles;

30 (C) A bicyclist may leave the bicycle lane between intersections in order
31 to make a U-turn, or left hand turn where such a turn is permissible for
32 vehicular traffic, or to turn into driveways;

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1 (D) When leaving a bicycle lane, the bicyclist shall use caution and yield
2 the right-of-way to vehicles and other vulnerable road users.

3 § 8-3-3-8 DIRECTION OF TRAVEL IN BIKEWAY.

4 No person shall ride or operate a bicycle within a bikeway or on the
5 roadway in any direction except that permitted of vehicular traffic traveling on
6 the same side of the roadway; provided, that bicycles may proceed either way
7 along a lane where two-way bicycle traffic is so designated.

8 § 8-3-3-10 DUTY OF MOTORIST TO VULNERABLE ROAD USER.

9 (A) In approaching or passing a vulnerable road user, every person
10 operating a motor vehicle shall proceed with caution and shall pass such
11 vulnerable road user at a reasonable speed and keep a safe distance from
12 them; provided however, in no event shall a distance of less than five feet be
13 considered a safe distance within the meaning of this division.

14 (B) No person operating a motor vehicle shall harass or endanger a
15 vulnerable road user.

16 (C) The operator of a motor vehicle shall stop for a vulnerable road user
17 crossing the roadway within a marked or unmarked crosswalk when the
18 vulnerable road user is upon the half of the roadway upon which the vehicle is
19 traveling, or when the vulnerable road user is approaching so closely from the
20 opposite half of the roadway as to be in danger.

21 (D) Whenever any vehicle or other device that must comply with duties
22 applicable to the driver of a vehicle is stopped at a crosswalk or at any
23 intersection to permit a vulnerable road user to cross the roadway, the
24 operator of any other vehicle or device approaching from the rear shall not
25 overtake and pass such stopped vehicle or device.

26 § 8-3-3-12 MOTORIST TURNING ACROSS BIKEWAY OR MULTI-USE TRAIL.

27 (A) Whenever a motorist is turning across a bikeway or multi-use trail, such
28 motorist shall maintain a proper lookout for vulnerable road users and shall
29 yield the right-of-way to any vulnerable road user traveling in a bikeway or
30 multi-use trail and, prior to turning right, shall merge, if practicable and not
31 otherwise prohibited by signage or pavement markings, into the bikeway to
32 their right, if any, before the start of the turning movement.

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1 (B) Nothing in this section shall be deemed to relieve the motorist of
2 duties imposed by § 8-2-2-2, in particular, but not limited to, § 8-2-2-2(A)(1),
3 (B)(1) and (E)(1).

4 § 8-3-3-13 DRIVING VEHICLE ON OR ACROSS BICYCLE LANE OR MULTI-USE
5 TRAIL.

6 No person shall drive or operate a motor vehicle upon or across a bicycle
7 lane or multi-use trail except to cross such lane or multi-use trail when turning
8 as permitted in § 8-3-3-12, to park such vehicle, where parking is permitted, or
9 to leave a parking space. No person shall drive upon or across a bicycle lane
10 or multi-use trail as permitted by this section except after giving the right-of-
11 way to all vulnerable road users within the lane or path.

12 § 8-3-3-15 RIDING BICYCLE, E-BIKE, OR POWERED MICROMOBILITY DEVICE
13 ON SIDEWALK.

14 (A) Bicyclists and operators of e-bikes and powered micromobility
15 devices shall not ride upon a sidewalk when there is a bikeway or multi-use
16 trail adjacent to the direction of travel, or when signs are posted prohibiting
17 bicycles e-bikes, or powered micromobility devices on the sidewalk, or when
18 within a business district. When riding on a sidewalk, a bicyclist is subject to
19 the laws that apply to pedestrians.

20 (B) If a bicyclist dismounts, the bicyclist is subject to the laws that apply
21 to pedestrians.

22 (C) Whenever a person must ride a bicycle, e-bike, or powered
23 micromobility device upon a sidewalk, such person shall ride slowly, shall
24 yield the right-of-way to any pedestrian, shall overtake on the left, and shall
25 give an audible signal before attempting to overtake and pass such
26 pedestrian, and shall only ride on the sidewalk on the right hand side of the
27 street, moving with the directional flow of the motor vehicle traffic.

28 SECTION 4. ROA 1994, Chapter 8, Article 5 Stopping, Standing, and Parking
29 is amended as follows:

30 § 8-5-1-1 STOPPING, STANDING OR PARKING PROHIBITED NO SIGNS
31 REQUIRED.

32 No person shall stop, stand or park a vehicle except when necessary to
33 avoid conflict with other traffic or in compliance with law or the directions of a

1 police officer or other individual with authority under law to direct, control, or
2 regulate traffic, or traffic control device, in any of the following places:

3 (A) Next to a curb which is painted either yellow or red.

4 (B) On a sidewalk.

5 (C) Within three feet of a public or private driveway.

6 (D) Within an intersection.

7 (E) Within 15 feet of a fire hydrant.

8 (F) On a crosswalk or within 50 feet of a crosswalk unless the Mayor or
9 their designated representative has specifically, by markings, signs, or
10 parking meters, indicated parking to be permitted.

11 (G) Within 30 feet of the approach to any flashing beacon, stop sign, yield
12 sign, or traffic control signal located at the side of a roadway, unless the
13 Mayor or their designated representative has specifically, by markings or by
14 parking meters, indicated parking to be permitted.

15 (H) Between a safety zone and the adjacent curb, or within 30 feet of
16 points on the curb immediately opposite the ends of a safety zone, unless the
17 Mayor or their designated representative has indicated a different length by
18 signs or markings.

19 (I) Within 50 feet of the nearest rail of a railroad crossing.

20 (J) Within 20 feet of the driveway entrance to any fire station and on the
21 side of a street opposite the entrance to any fire station within 75 feet of said
22 entrance (when properly sign-posted).

23 (K) Alongside or opposite any street excavation or obstruction when
24 stopping, standing or parking would obstruct traffic.

25 (L) On the roadway side of any vehicle stopped or parked at the edge or
26 curb of a street.

27 (M) Upon any bridge or other elevated structure upon a roadway or within
28 a roadway tunnel.

29 (N) Between the curb or edge of the roadway and the sidewalk.

30 (O) In a bicycle lane.

31 (P) On a multi-use trail.

32 SECTION 5. ROA 1994, Chapter 6, Article 5 the Sidewalk, Drive Pad, Curb
33 and Gutter Ordinance is amended as follows:

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1 § 6-5-5-4 DEFINITIONS.

2 For the purpose of §§ 6-5-5-1 et seq., the following definitions shall apply
3 unless the context clearly indicates or requires a different meaning.

4 **CROSSWALK.** That part of the roadway at an intersection included within
5 the prolongation or connection of the lateral lines of the sidewalks on
6 opposite sides of the highway measured from the curbs, or in the absence of
7 curbs, from the edges of the traversable roadway, whether marked or
8 unmarked; or any portion of a roadway, at an intersection, multi-use trail
9 crossing, or elsewhere, distinctly indicated for vulnerable road user crossing
10 by signage, traffic control devices, or lines or other markings on the surface.

11 **ENGINEERING AND TRAFFIC INVESTIGATION AND/OR STUDY.** A traffic
12 engineering study, investigation, or analysis based on professional
13 engineering judgment, field observation, safety analysis, or other evidence-
14 based best practices. This approach will use data to include, but not limited to,
15 HFIN crash rate, roadway classification, surrounding land use, speed
16 violations, warrant studies, and other variables to justify safety changes.

17 **PEDESTRIAN.** Any person traveling by foot, wheelchair, or personal
18 assistive mobility device except for golf carts and all-terrain vehicles (ATV's).

19 **PERSONAL ASSISTIVE MOBILITY DEVICE.** Specialized equipment that
20 assist individuals with disabilities or mobility impairments in moving around
21 safely and effectively, including but not limited to aids like canes, walkers,
22 crutches, wheelchairs, and electric wheelchairs and scooters.

23 **POWERED MICROMOBILITY DEVICE.** A wheeled device that is fully or
24 partially powered, has a curb weight of less than 100 lb., has an electric motor
25 less than 750 watts, and has a top speed of less than 30 mph. A powered
26 micromobility device includes a powered standing scooter, powered self-
27 balancing board, or powered skates but does not include electric-assisted
28 bicycles. Powered micromobility device does not include a PERSONAL
29 ASSISTIVE MOBILITY DEVICE as defined in this Chapter.

30 **VULNERABLE ROAD USER.** The term “vulnerable road user” includes:

- 31 (a) A pedestrian;
32 (b) A worker; or

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- 1 (c) A person lawfully operating or riding any of the following on a public
- 2 way:
- 3 (1) Bicycle or tricycle;
- 4 (2) A skateboard;
- 5 (3) Roller skates;
- 6 (4) In-line skates;
- 7 (5) A scooter;
- 8 (6) An e-bike or powered micromobility device;
- 9 (7) A wheelchair or other personal assistive mobility device;
- 10 (8) Any device designed to be used on the roadway or sidewalk that
- 11 is not a motor vehicle.

12 SECTION 6. ROA 1994, Chapter 7, Article 15 the Automated Speed
13 Enforcement Ordinance (ASE) is amended as follows:
14 § 7-15-5 ADMINISTRATION.

15 (A) The Albuquerque Police Department and the Department of
16 Municipal Development shall be responsible for administration of this article.
17 Reasonable rules and regulations may be promulgated by the Mayor or the
18 Mayor's designee to carry out the intent and purpose of this article.

19 (B) The revenue generated through ASE shall be retained and
20 distributed in accordance with the provisions of Section 3-18-17(A)(2) NMSA
21 1978 (2009).

22 (1) The revenue generated to the City of Albuquerque through ASE
23 shall be used exclusively for Vision Zero Traffic Safety Initiatives.

24 (2) All revenue used for Vision Zero Safety Initiatives shall be
25 displayed on a publicly available Vision Zero Dashboard that shall be updated
26 at least quarterly. The Vision Zero Dashboard shall show, at a minimum,
27 Vision Zero funding levels and sources, planned, current, and completed
28 projects, overviews of each project, project locations, and project costs.

29 (C) The contractor hired to aid in the administration of this program will
30 not be compensated based on the number of citations issued. The contractor
31 shall be compensated by a flat fee.

32 (D) An independent third-party lab shall perform a calibration test on the
33 CSD instruments used for speed detection at least annually.

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1 SECTION 7. The administration shall prioritize per the 2024 Albuquerque
2 Bikeway and Trail Facilities Plan, the implementation of HAWK signals or more
3 adequate trail crossing improvements at 1) Bear Canyon Arroyo Trail crossing
4 on Wyoming Blvd. 2) Bear Canyon Arroyo Trail crossing on Eubank Blvd. and
5 3) Bear Canyon Arroyo Trail crossing on Morris St., prior to the
6 implementation of other HAWK signals in the City.

7 SECTION 8. SEVERABILITY. If any section, paragraph, sentence, clause,
8 word or phrase of this Ordinance is for any reason held to be invalid or
9 unenforceable by any court of competent jurisdiction, such decision shall not
10 affect the validity of the remaining provisions of this Ordinance. The Council
11 hereby declares that it would have passed this Ordinance and each section,
12 paragraph, sentence, clause, word or phrase thereof irrespective of any
13 provision being declared unconstitutional or otherwise invalid.

14 SECTION 9. COMPILATION. SECTIONS 1-7 of this Ordinance amends, is
15 incorporated in, and is to be compiled as part of the Revised Ordinances of
16 Albuquerque, New Mexico, 1994.

17 SECTION 10. EFFECTIVE DATE. This Ordinance takes effect five days after
18 publication by title and general summary.

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