

CITY of ALBUQUERQUE

TWENTY SIXTH COUNCIL

COUNCIL BILL NO. O-25-98 ENACTMENT NO. _____

SPONSORED BY: Tammy Fiebelkorn, by request

BlueLine Version

1 ORDINANCE

2 AMENDING THE TRAFFIC CODE AND THE SIDEWALK ORDINANCE TO
3 IMPROVE PROTECTIONS FOR BICYCLISTS, PEDESTRIANS, AND OTHER
4 VULNERABLE USERS; AND AMENDING THE AUTOMATED SPEED
5 ENFORCEMENT ORDINANCE TO DIRECT REVENUE TO VISION ZERO
6 TRAFFIC SAFETY INITIATIVES.

7 WHEREAS, the City of Albuquerque's Traffic Code was adopted in 1974
8 and to a great extent has remained unchanged; and

9 WHEREAS, best practices with respect to vulnerable road users, including
10 bicyclists and pedestrians, have evolved significantly since the adoption of
11 the City's Traffic Code; and

12 WHEREAS, in May 2019, Mayor Tim Keller made a commitment to Vision
13 Zero and signed an Executive Order committing the City of Albuquerque to
14 work toward the goal of zero traffic deaths by 2040; and

15 WHEREAS, in May 2021, the City of Albuquerque released its Vision Zero
16 Action Plan, which lays out steps that the City, working with agency and
17 community partners, will take to reduce traffic fatalities and make our streets
18 more accessible and welcoming to all users; and

19 WHEREAS, in November 2023, the City Council approved an update to the
20 Vision Zero Action Plan called the Year-in-Review for 2023 (YIR), which serves
21 as an updated Action Plan for the City to implement Vision Zero efforts; and

22 WHEREAS, the Vision Zero Action Plan YIR for 2023 called for updates to
23 the City Traffic Code to improve protections for vulnerable road users,
24 including bicyclists and pedestrians; and

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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

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 the
18 prolongation or connection of the lateral lines of the sidewalks on opposite
19 sides of the highway measured from the curbs, or in the absence of curbs,
20 from the edges of the traversable roadway[, whether marked or unmarked;
21 or][~~-A~~][a]ny portion of a roadway, at an intersection[, multi-use trail crossing,]
22 or elsewhere, distinctly indicated for [~~pedestrian~~][vulnerable road user]
23 crossing by [signage, traffic control devices, or] lines or other markings on the
24 surface.

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

31 [MULTI-USE TRAIL. A separate pathway that is physically separated from
32 motor vehicle traffic by a buffer or barrier and either within the highway right-
33 of-way or within an independent right-of-way. Multi-use trails are designated

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

7 *PEDESTRIAN.* Any person ~~[afoot]~~ [traveling by foot, wheelchair, or
8 personal assistive mobility device].

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

20 [RECTANGULAR RAPID FLASHING BEACONS (RRFB). A traffic control
21 device designed to enhance vulnerable road user conspicuity and increase
22 driver awareness at uncontrolled, marked crosswalks, used in combination
23 with a pedestrian, bicycle, school, or trail crossing warning sign. RRFBs
24 consist of two rectangular-shaped yellow lights that flash with an alternating
25 high frequency when activated.]

26 *RIGHT OF WAY.* As between two or more vehicles~~[, bicycles, or pedestrians]~~
27 [and/or vulnerable road users], the privilege of the immediate use of the
28 roadway.

29 [VULNERABLE ROAD USER. The term "vulnerable road user" includes:

- 30 (a) A pedestrian[;] ~~[including those persons actually engaged in work upon~~
31 ~~a public way, or in work upon utility facilities along a roadway, or~~
32 ~~engaged in the provision of emergency services within the right-of-~~
33 ~~way;]~~

1 (b) [A worker; or] [A person riding or leading an animal;]

2 (c) A person lawfully operating or riding any of the following on a public
3 way:

4 (1) Bicycle or tricycle;

5 (2) A skateboard;

6 (3) Roller skates;

7 (4) In-line skates;

8 (5) A scooter;

9 (6) An e-bike or powered micromobility device;

10 (7) A wheelchair or other personal assistive mobility device; or

11 (8) Any device designed to be used on the roadway or sidewalk that
12 is not a motor vehicle.]

13 [WORKER. Any [pedestrian] [person] [officially] [actually] engaged in work
14 [upon a public way] [or its supervision or inspection at a road work site] [or
15 utility facilities along a roadway, or engaged in the provision of emergency
16 services within the right-of-way].]

17 § 8-1-2-22 CROSSWALKS AND SAFETY ZONES.

18 The Mayor, or [his][their] designated representative, upon the basis of
19 engineering and traffic study and investigation, is hereby authorized to:

20 (A) Designate and maintain crosswalks by appropriate [traffic control]
21 devices, [including but not limited to signs,] marks, or lines upon the surface
22 of the roadway, where, in [his][their] opinion, there is particular danger to
23 [pedestrians][vulnerable road users] crossing the roadway; and

24 (B) Establish safety zones of such kind and character at such places as
25 [he][they] may deem necessary for the protection of [pedestrians][vulnerable
26 road users].

27 “§ 8-1-3-2 JURISDICTION.

28 The enforcement of this Traffic Code shall be limited to the streets and
29 roadways of the city, unless otherwise specified in a section, and which shall
30 be deemed to include those thoroughfares on private property used by the
31 public for purposes of vehicular travel by permission of the owner and not as
32 a matter of right; provided, that either the owner or lessor of such private
33 property shall have made application to the Mayor to have the Traffic Code

1 and other applicable ordinances of the city enforced on the thoroughfares on
2 that property and the Mayor shall have granted such application. However, §§
3 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
4 shall be enforced on all publicly or privately owned property and those
5 sections relating to parking regulations shall not be so limited but also shall
6 be enforced on all publicly owned parking lots. When a street is the boundary
7 +++line between the city and the county, the entire public way shall be deemed
8 within the city.

9 [(A) Operators of bicycles have the same rights and responsibilities as
10 operators of automobiles in the use of streets, highways and roadways within
11 the city, except as otherwise specifically provided herein.

12 (B) Provisions listed in this Chapter 8 as applicable to bicycles are equally
13 applicable to e-bikes and powered micromobility devices.]”

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

16 § 8-2-1-23 FAILURE TO KEEP A PROPER LOOKOUT.

17 No person driving a motor vehicle shall fail to give [his][their] full attention
18 to the task of driving and to keep a proper lookout through [his][their]
19 windshield, side windows, and rear mirror for any vehicles, motorcycles,
20 motorscooters, farm tractors, [bicycles, and pedestrians][and vulnerable road
21 users] that [he][they] may be approaching or who may be approaching
22 [him][them] from any direction and from any street, alley[,][~~or~~] driveway[,
23 bikeway, or multi-use trail].

24 § 8-2-1-32 VEHICLES NOT TO OBSTRUCT INTERSECTION.

25 No driver shall enter an intersection or a [marked] crosswalk unless there is
26 sufficient space on the other side of the intersection or crosswalk to
27 accommodate the vehicle [he is][they are] operating without obstructing the
28 passage of other vehicles or [pedestrians][vulnerable road users],
29 notwithstanding any traffic control signal indication to proceed.

30 § 8-2-1-34 YIELDING RIGHT-OF-WAY.

31 (A) The driver of a vehicle approaching [~~or entering~~] an intersection shall
32 yield the right-of-way to a vehicle [or vulnerable road user] which has entered
33 the intersection from a different roadway[, multi-use trail, or sidewalk].

1 (B) When two vehicles ~~[enter or]~~ approach an intersection from different
2 roadways at approximately the same time, the driver of the vehicle on the left
3 shall yield the right-of-way to the vehicle on the right.

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

6 § 8-2-1-48 LIMITATIONS ON BACKING.

7 (A) The driver of a vehicle shall not ~~[back the same]~~ [back up] unless such
8 movement can be made with reasonable safety and without interfering with
9 other traffic [or vulnerable road users].

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

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

14 § 8-2-2-2 TRAFFIC CONTROL LEGEND.

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

20 (A) *Green Alone.*

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

27 (2) Unless otherwise directed by a pedestrian control signal,
28 ~~[pedestrians]~~ [vulnerable road users] facing the signal may proceed across the
29 street within any marked or unmarked crosswalk and after entering the
30 intersection shall ~~[walk as rapidly as possible in order]~~ [proceed] [in a manner]
31 to clear the intersection [, and all drivers of vehicles shall yield to any such
32 vulnerable road user]. ~~[as quickly as safely possible]~~.

33 (B) *Green with Green Arrow.*

- 1 (1) Vehicular traffic facing the signal may proceed through the
2 intersection, make a right turn, or proceed in the direction indicated by the
3 green arrow, but shall not move in any other direction. Such vehicular traffic
4 shall yield the right-of-way to other vehicles~~[, to bicycles and pedestrians]~~
5 [and to vulnerable road users] legally within the intersection at the time the
6 signal is exhibited; and
- 7 (2) Unless otherwise directed by a pedestrian control signal,
8 ~~[pedestrians]~~[vulnerable road users] facing the signal may proceed across the
9 street within any marked or unmarked crosswalk and after entering the
10 intersection shall ~~[walk as rapidly as possible in order]~~[proceed] ~~[in a manner]~~
11 to clear the intersection~~[, and all drivers of vehicles shall yield to any such~~
12 vulnerable road user]. ~~[as quickly as safely possible]~~.
- 13 (C) *Green Arrow Alone.*
- 14 (1) Traffic, except pedestrians, facing a green arrow, shown alone or in
15 combination with another indication, may cautiously enter the intersection
16 only to make the movement indicated by such arrow, or such other movement
17 as is permitted by other indications shown at the same time. Such vehicular
18 traffic shall yield the right-of-way to [vulnerable road users] ~~[pedestrians]~~
19 lawfully within ~~[an adjacent]~~[a] crosswalk and to other traffic lawfully using the
20 intersection; and
- 21 (2) Unless otherwise directed by a pedestrian signal, ~~[pedestrians]~~
22 [vulnerable road users] facing a green arrow may not proceed across the
23 roadway within any marked or unmarked crosswalk until a steady green
24 circular signal is again shown.
- 25 (D) *Steady Yellow Arrow or Circular Yellow.*
- 26 (1) Traffic~~[, except pedestrians,]~~ facing a circular yellow or yellow arrow
27 signal is thereby warned that the related green movement is being terminated
28 or that a red indication will be exhibited immediately thereafter when vehicular
29 traffic shall not enter the intersection.
- 30 (2) No [vulnerable road users] ~~[pedestrians, unless otherwise directed by~~
31 ~~a pedestrian signal,]~~ facing the signal shall enter the roadway until the green
32 is again shown~~[, unless otherwise directed by a pedestrian signal, and except~~

for bicyclists, operating under the provisions of ROA 1994, Chapter 8, Article 3, Part 3 BICYCLES].

(E) *Steady Red.*

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

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

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

(F) *Red with Green Arrow.*

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

(2) No ~~[pedestrians]~~ [vulnerable road user] facing the signal shall enter the street unless ~~[he]~~ [they] can do so safely and without interfering with any vehicular traffic, and upon entering the intersection, shall ~~[walk as rapidly as possible in order]~~ [proceed]~~[in a manner]~~ to clear the intersection~~[, and all~~

1 drivers of vehicles shall yield to any such vulnerable road user ~~[as quickly as~~
2 ~~safely as possible]~~.

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

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

13 (2) When two vehicles stop at an intersection from different highways at
14 the same time, and the official traffic control signals for the intersection are
15 inoperative, the driver of the vehicle on the left shall yield the right-of-way to
16 the vehicle on ~~[his or her]~~[their] immediate right [and to vulnerable road users
17 in the roadway].

18 § 8-2-2-3 PEDESTRIAN CONTROL SIGNAL [, PEDESTRIAN HYBRID
19 BEACON, AND RECTANGULAR RAPID FLASHING BEACON].

20 [(A)]Whenever special pedestrian control signals exhibiting the words
21 "WALK" or "DON'T WALK" [or images depicting "WALK" or "DON'T WALK"]
22 are in place, such signals shall indicate as follows:

23 [(A)][(1)] Steady "WALK." ~~[Pedestrians]~~ [Vulnerable road users] facing such
24 signal may proceed across the roadway in the direction of the signal and shall
25 be given the right-of-way by the drivers of all vehicles even if the signal has
26 changed to a flashing "DON'T WALK" signal; and

27 [(B)][(2)] "DON'T WALK." No ~~[Pedestrians]~~ [vulnerable road users] shall
28 start to cross the roadway in the direction of such signal, but any ~~[pedestrian]~~
29 [vulnerable road user] who has partially completed ~~[his]~~[their] crossing on the
30 "WALK" signal shall ~~[walk]~~ [proceed] [as rapidly as [safely] possible] ~~[to a~~
31 ~~sidewalk or safety zone]~~[across the roadway] [, and all drivers of vehicles shall
32 yield to any such vulnerable road user].

1 [(B) PEDESTRIAN HYBRID BEACON (PHB), also known as a HAWK (High-
2 intensity Activated crossWalk) Signal.

3 (1) Signal for vehicles.

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

11 (b) When the push-button has been activated, the signal for vehicles will
12 flash yellow for several seconds to alert drivers that the vehicular signal will
13 turn red soon, and a vulnerable road user is going to cross. Motorists and
14 bicyclists traveling in the roadway facing the signal may proceed but should
15 be prepared to stop in case the vulnerable road user begins crossing
16 prematurely, and shall stop to yield the right-of-way to any vulnerable road
17 user in the crosswalk[.] [~~when the vulnerable road user is upon the half of the~~
18 ~~roadway upon which the vehicle is traveling, or when the vulnerable road user~~
19 ~~is approaching so closely from the opposite half of the roadway as to be in~~
20 ~~danger.]~~

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

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

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

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

32 (a) Steady "WALK." Vulnerable road users facing such signal may
33 proceed across the roadway in the direction of the signal and shall be given

1 the right-of-way by the operators of all vehicles and bicycles traveling in the
2 roadway, even if the signal has changed to a flashing "DON'T WALK" signal.

3 (b) "DON'T WALK." No vulnerable road users shall start to cross the
4 roadway in the direction of such signal, but any vulnerable road user who has
5 partially completed their crossing on the "WALK" signal shall proceed ~~as~~
6 ~~rapidly as safely possible~~ across the roadway~~, and all drivers of vehicles~~
7 ~~shall yield to any such vulnerable road user~~.

8 **(C) RECTANGULAR RAPID FLASHING BEACONS (RRFB).**

9 (1) When the lights are flashing, the operator of a vehicle or bicycle
10 traveling in the roadway facing the signal shall stop to yield the right-of-way to
11 vulnerable road users in the crosswalk~~.~~ ~~[when the vulnerable road user is~~
12 ~~upon the half of the roadway upon which the vehicle is traveling, or when the~~
13 ~~vulnerable road user is approaching so closely from the opposite half of the~~
14 ~~roadway as to be in danger.~~

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

18 (3) Whenever a vehicle ~~for other device that must comply with duties~~
19 ~~applicable to the driver of a vehicle~~ is stopped to permit a vulnerable road
20 user to cross the roadway in a crosswalk, the operator of ~~a~~~~the~~ vehicle ~~for~~
21 ~~device~~ ~~for bicyclist~~ traveling in the roadway approaching from the rear shall
22 not overtake and pass such vehicle ~~for device~~.

23 **§ 8-2-2-4 FLASHING SIGNALS.**

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

26 **(1) Flashing Red (Stop Signal). When a red lens is illuminated with**
27 **intermittent flashes, drivers of vehicles shall stop before entering the nearest**
28 **crosswalk at an intersection or at a limit line when marked, or if none, then**
29 **before entering the intersection, and the right to proceed shall be subject to**
30 **the rule applicable after making a stop at a stop sign~~, yielding to vulnerable~~**
31 **road users**];

32 **(2) Flashing Yellow (Caution Signal). When a yellow lens is illuminated**
33 **with intermittent flashes, drivers of vehicles may proceed through the**

1 intersection or past such signal with caution[, yielding to vulnerable road
2 users].

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

6 § 8-2-2-5 STOP SIGNS.

7 (A) *Stop*. Except when directed to proceed by a police officer [or other
8 individual with authority under law to direct, control, or regulate traffic], every
9 driver of a vehicle approaching a stop sign shall stop before entering the
10 crosswalk on the near side of the intersection, or, in the event there is no
11 crosswalk, shall stop at a clearly marked line, but if none, then at the point
12 nearest the intersecting roadway where the driver has a view of approaching
13 traffic before entering the intersection.

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

22 § 8-2-2-6 YIELD SIGNS.

23 The driver of a vehicle, approaching a "YIELD" sign, shall slow to a
24 reasonable speed for existing conditions of traffic, visibility and roadway
25 surface condition, yielding right-of-way to [vulnerable road users and] all
26 vehicles on the intersecting street which constitutes an immediate hazard. The
27 driver of a vehicle who proceeds past any "YIELD" sign facing such
28 [vulnerable road user or] vehicle and who collides with a [vulnerable road user
29 or] vehicle proceeding on the intersecting street shall be deemed *prima*
30 *facie* to have violated the provisions of this title.

31 § 8-2-3-1 WHEN DANGEROUS TO PROCEED FORWARD.

32 The operator of any bicycle or motor vehicle shall stop [~~his~~][their] bicycle or
33 motor vehicle if possible when either a [~~pedestrian, other bicycle~~] [vulnerable

1 road user is in the roadway] or motor vehicle is stopped in the roadway
2 immediately ahead and a collision would occur if the operator does not stop,
3 or road and weather conditions are such that the operator's safety, the safety
4 of any other person, or any property is endangered if the operator does not
5 stop.

6 § 8-2-3-2 WHEN EMERGING FROM ALLEY, DRIVEWAY, PRIVATE ROAD AND
7 THE LIKE.

8 The driver of a vehicle emerging from an alley, a driveway, a private road, a
9 building or open land shall stop such vehicle immediately prior to driving
10 either onto the sidewalk or any sidewalk area, yielding the right-of-way to any
11 [pedestrian] [vulnerable road user] as may be necessary to avoid collision,
12 and before and upon entering the roadway shall yield the right-of-way to all
13 vehicles, ~~[bicycles]~~ [vulnerable road users,] or animals approaching on the
14 roadway.

15 § 8-2-3-3 KEEPING INTERSECTION UNOBSTRUCTED.

16 No driver shall enter an intersection or a ~~[marked]~~ crosswalk unless there is
17 sufficient space on the outer side of the intersection or crosswalk to
18 accommodate the vehicle ~~[he is]~~ [they are] operating without obstructing the
19 passage of other vehicles or ~~[pedestrians]~~ [vulnerable road users] even
20 though a traffic control signal indicates ~~[he]~~ [they] may proceed.

21 § 8-2-3-4 STOP FOR ~~[BLIND OR HANDICAPPED]~~ [VISUALLY IMPAIRED
22 PERSON].

23 Whenever a pedestrian, guided by a guide dog or carrying in a raised or
24 extended position a cane or walking stick which is white in color or white
25 tipped with red, is crossing or attempting to cross a public way [at a marked or
26 unmarked crosswalk], the driver of every vehicle approaching the intersection
27 or place where such pedestrian is attempting to cross, shall bring ~~[his]~~ [their]
28 vehicle to a full stop before arriving at such intersection or place of crossing,
29 and before proceeding shall take such precautions as may be necessary to
30 avoid injuring such pedestrian.

31 § 8-2-3-6 ~~[PEDESTRIAN]~~ [VULNERABLE ROAD USER] IN CROSSWALK.

32 (A) ~~[In the absence of operating traffic controls at an intersection]~~ [When
33 traffic control devices are not in place or not in operation], the operator of a

bicycle [traveling in the roadway] or vehicle shall ~~[slow down or]~~ stop to yield the right-of-way to a ~~[pedestrian]~~ [vulnerable road user] in a marked or unmarked crosswalk. However, no ~~[pedestrian]~~ [vulnerable road user] shall suddenly leave a curb or other place of safety and ~~[walk or run]~~ [proceed] into the path of a vehicle [or bicycle traveling in the roadway] which is so close that it is impossible for the ~~[driver]~~ [operator] to stop ~~[or yield]~~.

(B) Whenever a vehicle [or other device that must comply with duties applicable to the driver of a vehicle] is stopped at a marked or unmarked crosswalk ~~[at an intersection]~~ to permit a ~~[pedestrian]~~ [vulnerable road user] to cross the roadway, the ~~[driver]~~ [operator] of ~~[the]~~ [the] ~~[a]~~ vehicle [or device] ~~[or bicycle traveling in the roadway]~~ approaching from the rear shall not overtake and pass such vehicle [or device].

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

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

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

§ 8-2-6-10 U-TURN.

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

§ 8-2-7-3 RIGHT-OF-WAY IN CROSSWALK.

(A) When traffic control ~~[devices]~~ [signals] are not in place or not in operation the ~~[driver]~~ [operator] of a vehicle [or bicycle traveling in the roadway] shall [stop to] yield the right-of-way~~[, slowing down or stopping if need be to so yield,]~~ to a ~~[pedestrian]~~ [vulnerable road user] crossing the roadway within a marked or unmarked crosswalk when the ~~[pedestrian]~~ [vulnerable road user] is upon the half of the roadway upon which the vehicle

1 is traveling, or when the ~~[pedestrian]~~ [vulnerable road user] is approaching so
2 closely from the opposite half of the roadway as to be in danger.

3 (B) No ~~[pedestrian]~~ [vulnerable road user] shall suddenly leave a curb or
4 other place of safety and ~~[walk or run]~~[proceed] into the path of a vehicle ~~[or~~
5 bicycle traveling in the roadway] which is so close that it is impossible for the
6 ~~[driver]~~[operator] to ~~[stop]~~[yield].

7 (C) Whenever any vehicle [or other device that must comply with duties
8 applicable to the driver of a vehicle] is stopped at a ~~[marked]~~ crosswalk or at
9 ~~[unmarked]~~ any intersection to permit a ~~[pedestrian]~~[vulnerable road user] to
10 cross the roadway, the ~~[driver]~~[operator] of any other vehicle ~~[or bicycle~~
11 ~~traveling in the roadway]~~[or device] approaching from the rear shall not
12 overtake and pass such stopped vehicle [or device].]

13 ~~[(D) Division (A) above shall not apply under the conditions stated in § 8-2-~~
14 ~~7-4.]~~

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

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

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

24 [§ 8-2-7-7 WALKING ALONG ROADWAY.

25 (A) Where sidewalks are provided, it shall be unlawful for a pedestrian to
26 ~~[walk]~~[travel] along or upon an adjacent roadway[, except as follows:

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

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

33 (3) A pedestrian traveling along or upon a roadway or its shoulder shall

1 exercise due care for their own safety].

2 (B) Where sidewalks are not provided, a pedestrian ~~[walking]~~[traveling] along or
3 upon a roadway shall, when practicable, ~~[walk]~~[travel] only on the left side of the
4 roadway or its shoulder facing oncoming traffic~~[, and shall exercise due care for~~
5 ~~their own safety].~~]

6 **§ 8-2-7-9 PROHIBITED ~~[PEDESTRIAN]~~[VULNERABLE ROAD USER]**
7 **CROSSINGS.**

8 (A) [Vulnerable road users shall not cross a roadway at any place except in
9 a crosswalk, except for bicyclists operating under the provisions of ROA 1994,
10 Chapter 8, Article 3, Part 3 BICYCLES.]~~[No pedestrian shall cross between~~
11 ~~adjacent intersections at which traffic control signals are in operation.~~
12 ~~Pedestrians shall not cross at any place except in a crosswalk.]~~

13 (B) [Vulnerable road users shall not cross at an unmarked, uncontrolled,
14 unsigned crosswalk or intersection where at one of the ~~[the]~~ next two adjacent
15 crosswalks or intersections traffic control ~~[devices, signs, or lines or marking]~~
16 ~~[signals]~~ are present.]~~[No pedestrian shall cross a roadway other than in a~~
17 ~~crosswalk in any business district.~~

18 ~~—(C) No pedestrian shall cross a roadway other than in a crosswalk upon any~~
19 ~~through street.~~

20 ~~—(D) No pedestrian shall cross a controlled access roadway.]~~

21 **§ 8-2-7-11 OBEDIENCE TO RAILROAD SIGNALS.**

22 No ~~[pedestrian]~~ [vulnerable road user] shall pass through, around, over or
23 under any crossing gate or barrier at a railroad grade crossing while such gate
24 or barrier is closed or being opened or closed.

25 **§ 8-2-7-12 DRIVERS TO EXERCISE DUE CARE.**

26 Notwithstanding the foregoing provisions of this article, every driver of a
27 vehicle shall exercise due care to avoid colliding with a ~~[pedestrian]~~
28 [vulnerable road user] upon a roadway [in all circumstances] and shall give
29 warning by sounding the horn when necessary and shall exercise proper
30 precaution upon observing [any vulnerable road user or] a child or a confused
31 or incapacitated person upon a roadway.

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

1 § 8-3-3-1 JURISDICTION.

2 The regulations in §§ 8-3-3-1 et seq. shall be applicable whenever a bicycle,
3 e-bikes, or powered micromobility devices is operated on any municipal
4 ~~[paved or dirt path or roadway]~~[bikeway or multi-use trail] set aside for the
5 exclusive use of bicycles, e-bikes, or powered micromobility devices or set
6 aside for use of bicycles, e-bikes, or powered micromobility devices with
7 pedestrians, motorcycles and/or horseback riders and shall also be applicable
8 to all streets, parking lots and the like, regardless of road surfaces covered by
9 § 8-1-3-2. Provisions listed in this Article 3 as applicable to bicycles are
10 equally applicable to e-bikes and powered micromobility devices.

11 § 8-3-3-4 TRAFFIC REGULATIONS APPLY.

12 (A) Operators of bicycles have the same rights as operators of automobiles
13 in the use of streets, highways and roadways within the city, except as
14 otherwise specifically provided herein [and in Chapter 8, Article 2].

15 § 8-3-3-5 OBEDIENCE TO TRAFFIC CONTROL DEVICES.

16 (A) Any person operating a bicycle shall obey the instructions of official
17 traffic control signals, signs, and other control devices applicable to vehicles,
18 unless otherwise directed by a police officer~~[-]~~ [or other individual with
19 authority under law to direct, control, or regulate traffic, or as follows:

20 (1) Except when directed to proceed by a police officer or other individual
21 with authority under law to direct, control, or regulate traffic, every person
22 riding a bicycle and approaching a stop intersection indicated by a red traffic
23 control signal shall stop before entering the crosswalk on the near side of the
24 intersection or, in the event there is no crosswalk, shall stop at a clearly
25 marked stop line, but if none, then at the point nearest the intersecting
26 roadway before entering the intersection. After stopping, if there is no
27 approaching vulnerable road user or vehicle traffic with the right of way, the
28 person riding a bicycle may proceed through the intersection without waiting
29 for the traffic control signal to turn green.

30 (2) Except when directed to proceed by a police officer or other individual
31 with authority under law to direct, control, or regulate traffic, every person
32 riding a bicycle and approaching an intersection with a stop sign or a yield
33 sign, if there is no approaching vulnerable road user or vehicle traffic with the

1 right of way, the person riding a bicycle may proceed through the intersection
2 without stopping. If required for safety to stop, the person riding a bicycle
3 shall stop before entering the crosswalk on the near side of the intersection
4 or, in the event there is no crosswalk, at a clearly marked stop line, but if none,
5 then at the point nearest the intersecting roadway where the person riding a
6 bicycle has a view of approaching traffic on the intersecting roadway.]

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

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

15 § 8-3-3-7 OPERATION IN BICYCLE LANE.

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

19 (A) At intersections;

20 (B) To pass a slower [~~bicyclist~~][vulnerable road user], or to avoid parked
21 cars or obstacles;

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

25 (D) When leaving a bicycle lane, the bicyclist shall use caution and yield the
26 right-of-way to vehicles [~~and other vulnerable road users~~].

27 § 8-3-3-8 DIRECTION OF TRAVEL IN [~~BICYCLE LANE~~][BIKEWAY].

28 No person shall ride or operate a bicycle within a [~~bicycle lane~~][bikeway] or
29 on the roadway in any direction except that permitted of vehicular traffic
30 traveling on the same side of the roadway; provided, that bicycles may
31 proceed either way along a lane where two-way bicycle traffic is so
32 designated.

33 § 8-3-3-10 DUTY OF MOTORIST TO [~~BICYCLIST~~][VULNERABLE ROAD USER].

1 (A) In approaching or passing a ~~[person on a bicycle]~~[vulnerable road user],
2 every person operating a motor vehicle shall proceed with caution and shall
3 pass such ~~[bicyclist]~~[vulnerable road user] at a reasonable speed and keep a
4 safe distance from ~~[him]~~[them]; provided however, in no event shall a distance
5 of less than five feet be considered a safe distance within the meaning of this
6 division.

7 (B) No person operating a motor vehicle shall harass or endanger a
8 ~~[bicyclist]~~[vulnerable road user].

9 [(C) The operator of a motor vehicle shall stop for a vulnerable road user
10 crossing the roadway within a marked or unmarked crosswalk when the
11 vulnerable road user is upon the half of the roadway upon which the vehicle is
12 traveling, or when the vulnerable road user is approaching so closely from the
13 opposite half of the roadway as to be in danger.

14 (D) Whenever any vehicle ~~[or other device that must comply with duties~~
15 applicable to the driver of a vehicle] is stopped at a crosswalk or at any
16 intersection to permit a vulnerable road user to cross the roadway, the
17 operator of any other vehicle ~~[or device]~~ approaching from the rear shall not
18 overtake and pass such stopped vehicle ~~[or device]~~.]

19 § 8-3-3-12 MOTORIST TURNING ACROSS ~~[BICYCLE LANE]~~[BIKEWAY OR
20 MULTI-USE TRAIL].

21 (A) Whenever a motorist is turning across a ~~[bicycle lane or path]~~[bikeway or
22 multi-use trail], such motorist shall maintain a proper lookout for ~~[bicyclists]~~
23 [vulnerable road users] and shall yield the right-of-way to any
24 ~~[bicyclist]~~[vulnerable road user] traveling in a ~~[bicycle lane or path]~~[bikeway]
25 or [multi-use trail] and, prior to turning right, shall merge, if practicable [and
26 not otherwise prohibited by signage or pavement markings], into the ~~[bicycle~~
27 lane][bikeway] to ~~[his]~~[their] right, if any, before the start of the turning
28 movement.

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

32 § 8-3-3-13 DRIVING VEHICLE ON OR ACROSS BICYCLE LANE OR
33 ~~[PATH]~~[MULTI-USE TRAIL].

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

8 § 8-3-3-15 RIDING BICYCLE ~~[, E-BIKE, OR POWERED MICROMOBILITY~~
9 DEVICE] ON SIDEWALK.

10 (A) Bicyclists [and operators of e-bikes and powered micromobility
11 devices] shall not ride upon a sidewalk when there is a ~~[wide right lane, bike~~
12 ~~lane, or bike trail]~~[bikeway or multi-use trail] adjacent to the direction of travel,
13 or when signs are posted prohibiting bicycles~~[e-bikes, or powered~~
14 micromobility devices] on the sidewalk, or when within a business district.
15 When riding on a sidewalk, a bicyclist is subject to the laws that apply to
16 pedestrians.

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

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

25 SECTION 4. ROA1994, Chapter 8, Article 5 Stopping, Standing, and Parking
26 is amended as follows:

27 § 8-5-1-1 STOPPING, STANDING OR PARKING PROHIBITED NO SIGNS
28 REQUIRED.

29 No person shall stop, stand or park a vehicle except when necessary to
30 avoid conflict with other traffic or in compliance with law or the directions of a
31 police officer [or other individual with authority under law to direct, control, or
32 regulate traffic,] or traffic control device, in any of the following places:

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

- 1 (B) On a sidewalk.
- 2 (C) Within three feet of a public or private driveway.
- 3 (D) Within an intersection.
- 4 (E) Within 15 feet of a fire hydrant.
- 5 (F) On a crosswalk or within ~~[ten]~~[50] feet of a crosswalk ~~[at an intersection]~~
- 6 [unless the Mayor or their designated representative has specifically, by
- 7 markings, signs, or parking meters, indicated parking to be permitted].
- 8 (G) Within 30 feet of the approach to any flashing beacon, stop sign, yield
- 9 sign, or traffic control signal located at the side of a roadway, unless the
- 10 Mayor or ~~[his]~~[their] designated representative has specifically, by markings
- 11 or by parking meters, indicated parking to be permitted.
- 12 (H) Between a safety zone and the adjacent curb, or within 30 feet of points
- 13 on the curb immediately opposite the ends of a safety zone, unless the Mayor
- 14 or ~~[his]~~[their] designated representative has indicated a different length by
- 15 signs or markings.
- 16 (I) Within 50 feet of the nearest rail of a railroad crossing.
- 17 (J) Within 20 feet of the driveway entrance to any fire station and on the
- 18 side of a street opposite the entrance to any fire station within 75 feet of said
- 19 entrance (when properly sign-posted).
- 20 (K) Alongside or opposite any street excavation or obstruction when
- 21 stopping, standing or parking would obstruct traffic.
- 22 (L) On the roadway side of any vehicle stopped or parked at the edge or
- 23 curb of a street.
- 24 (M) Upon any bridge or other elevated structure upon a roadway or within a
- 25 roadway tunnel.
- 26 (N) Between the curb or edge of the roadway and the sidewalk.
- 27 (O) In a bicycle lane.
- 28 [(P) On a multi-use trail.]

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

31 § 6-5-5-4 DEFINITIONS.

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

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

8 ~~[(1) That part of the streets at an intersection which is a prolongation or~~
9 ~~continuation of the lateral lines of the sidewalk on opposite sides of the street~~
10 ~~measured from the curbs, or in the absence of curbs, from the edge of the~~
11 ~~transversible street and/or;~~

12 ~~— (2) Any portion of a street, at an intersection or elsewhere, distinctly~~
13 ~~indicated as a pedestrian crossing by line or other surface markings.]~~

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

20 **PEDESTRIAN.** Any person ~~[afoot or in a wheel chair or other similar device]~~
21 ~~[traveling by foot, wheelchair, or personal assistive mobility device].~~

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

23 (a) A pedestrian[:]; ~~including those persons actually engaged in work~~
24 ~~upon a public way, or in work upon utility facilities along a roadway, or~~
25 ~~engaged in the provision of emergency services within the right-of-~~
26 ~~way;]~~

27 (b) [A worker; or] A person riding or leading an animal;

28 (c) A person lawfully operating or riding any of the following on a public
29 way:

30 (1) Bicycle or tricycle;

31 (2) A skateboard;

32 (3) Roller skates;

33 (4) In-line skates;

1 (5) A scooter;

2 (6) An e-bike or powered micromobility device; or

3 (7) A wheelchair or other personal assistive mobility device;

4 (8) Any device designed to be used on the roadway or sidewalk that
5 is not a motor vehicle.]

6 SECTION 6. ROA 1994, Chapter 7, Article 15 the Automated Speed
7 Enforcement Ordinance (ASE) is amended as follows:

8 § 7-15-5 ADMINISTRATION.

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

13 (B) The revenue generated through ASE shall be retained and
14 distributed in accordance with the provisions of Section 3-18-17(A)(2) NMSA
15 1978 (2009).

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

18 (2) All revenue used for Vision Zero Safety Initiatives shall be
19 displayed on a publicly available Vision Zero Dashboard that shall be
20 updated at least quarterly. The Vision Zero Dashboard shall show, at
21 a minimum, Vision Zero funding levels and sources, planned,
22 current, and completed projects, overviews of each project, project
23 locations, and project costs.]

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

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

29 [SECTION 7. The administration shall prioritize per the 2024 Albuquerque
30 Bikeway and Trail Facilities Plan, the implementation of HAWK signals or more
31 adequate trail crossing improvements at 1) Bear Canyon Arroyo Trail crossing
32 on Wyoming Blvd. 2) Bear Canyon Arroyo Trail crossing on Eubank Blvd. and

3) Bear Canyon Arroyo Trail crossing on Morris St., prior to the implementation of other HAWK signals in the City.]

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

SECTION ~~[8.]~~**[9.]** COMPILATION. SECTIONS 1-7 of this Ordinance amends, is incorporated in, and is to be compiled as part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

SECTION ~~[9.]~~**[10.]** EFFECTIVE DATE. This Ordinance takes effect five days after publication by title and general summary.

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