

1 of Albuquerque, New Mexico, 1994, for the purposes of explicitly allowing or
2 disallowing e-bikes on specific City trails; and

3 WHEREAS, the City's Parks and Recreation Department and the public
4 welfare would benefit from setting a speed limit for all trail users, regardless of
5 class or type.

6 BE IT ORDAINED BY COUNCIL, THE GOVERNING BODY OF THE CITY OF
7 ALBUQUERQUE:

8 SECTION 1. Chapter 8, Article 1, Part 1, Section 2 is amended to add or edit
9 definitions in the appropriate alphabetical order of the section as follows:

10 [ELECTRIC-ASSISTED BICYCLE OR E-BIKE. A bicycle having two or three
11 wheels, fully operable pedals and an electric motor. Electric-assisted bicycles
12 are classified as follows:

13 Class 1 Electric-Assisted Bicycle

14 An electric-assisted bicycle equipped with a motor not exceeding seven
15 hundred fifty watts of power that provides assistance only when the rider is
16 pedaling and that ceases to provide assistance when the bicycle reaches a
17 speed of twenty miles per hour;

18 Class 2 Electric-Assisted Bicycle

19 An electric-assisted bicycle equipped with a motor not exceeding seven
20 hundred fifty watts of power that provides assistance regardless of whether
21 the rider is pedaling but ceases to provide assistance when the bicycle
22 reaches a speed of twenty miles per hour; and

23 Class 3 Electric-Assisted Bicycle

24 An electric-assisted bicycle equipped with a motor not exceeding seven
25 hundred fifty watts of power that provides assistance only when the rider is
26 pedaling and that ceases to provide assistance when the bicycle reaches a
27 speed of twenty-eight miles per hour.]

28 **MOPEDS.** A motor scooter or [gasoline-powered] motorized bicycle which has
29 a motor of less than 1.5 horsepower or a motor displacement of less than 50
30 cubic centimeters.

31 **SMALL VEHICLE.** Bicycles, scooters, e-bikes, e-scooters, and other small,
32 wheeled vehicles designed specifically for shared-use by no more than two
33 individuals at a time and are deployed by private shared active transportation

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 entities. Operators of small vehicles have the same rights as operators of
2 bicycles in the use of streets, highways, roadways, [municipal paved or dirt
3 paths,] and sidewalks, except as otherwise specifically [prohibited by
4 provisions of the Traffic Code.] ~~[provided herein.]~~

5 [POWERED MICROMOBILITY VEHICLE. A wheeled vehicle that is fully or
6 partially powered, has a curb weight of less than 400 lb., has an electric motor
7 less than 750 watts, and has a top speed of less than 30 mph. A powered
8 micromobility vehicle includes a powered standing scooter, powered self-
9 balancing board, powered non-self-balancing board, mobility scooter, or
10 powered skates but does not include electric-assisted bicycles.]

11 SECTION 2. Chapter 8, Article 3, Part 3, Section 1 is amended as follows:
12 § 8-3-3-1 JURISDICTION.

13 The regulations in §§ 8-3-3-1 et seq. shall be applicable whenever a bicycle [,
14 electric-assisted bicycle, or powered micromobility vehicle] is operated on any
15 municipal paved or dirt path or roadway set aside for the exclusive use of
16 bicycles[, electric-assisted bicycles, or powered micromobility vehicles] or set
17 aside for use of bicycles[, electric-assisted bicycles, or powered micromobility
18 vehicles] with pedestrians, motorcycles and/or horseback riders and shall also
19 be applicable to all streets, parking lots and the like, regardless of road
20 surfaces covered by § 8-1-3-2. [Provisions listed in this Article 3 as applicable
21 to bicycles are equally applicable to electric-assisted bicycles and powered
22 micromobility vehicles except as otherwise specifically provided herein.]

23 SECTION 3. Chapter 8, Article 3, Part 3, Section 6 is amended as follows:
24 § 8-3-3-6 RIDING ON PROHIBITED STREETS OR CONTROLLED ACCESS
25 ROADWAYS.

26 A. [Class 1, Class 2 or Class 3 electric-assisted bicycles and powered
27 micromobility vehicles are permitted on any street or path where bicycles are
28 permitted unless prohibited by the Mayor or Mayor’s designated
29 representative in accordance with Subsection B of this section.

30 B.] No person shall ride a bicycle[, e-bike, or powered micromobility vehicle]
31 [either] on any street or path where signs have been erected by the Mayor or
32 [Mayor’s][his] designated representative which prohibit the use of the street or
33 path to bicycles[, e-bikes, or powered micromobility vehicles] or which restrict

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 the use of the street or path to modes of transportation other than bicycles[, e-
2 bikes, or powered micromobility vehicles]. Notwithstanding this provision,
3 drivers of vehicles using such streets or controlled access roadways are not
4 relieved of responsibility of using due care.

5 [C. This Section 8-3-3-6 does not apply to operating e-bikes or powered
6 micromobility vehicles in Open Space Trails and Regional Preserves, which
7 are governed by Chapter 5, Article 8 of the Revised Ordinances of
8 Albuquerque, 1994.]

9 SECTION 4. Chapter 8, Article 3, Part 3, Section 16 is amended as follows:

10 § 8-3-3-16 BICYCLE SPEED

11 [(A)] No person shall operate a bicycle at a speed greater than the lawful
12 speed limit or than is reasonable and prudent under the conditions then
13 existing, whichever is the lesser.

14 [(B) The lawful speed limit on bicycle trails or paths shall be set by the Parks
15 and Recreation Department through posted signage. In no event shall the
16 lawful speed limit on any bicycle trail or path exceed twenty miles per hour.]

17 SECTION 5. Chapter 5, Article 8, Section 3 is amended to add definitions in
18 the appropriate alphabetical order of the section as follows:

19 [ELECTRIC-ASSISTED BICYCLE shall have the meaning given in Chapter 8,
20 Article 1, Part 1, Section 2 of the Traffic Code.]

21 [POWERED MICROMOBILITY VEHICLE shall have the meaning given in
22 Chapter 8, Article 1, Part 1, Section 2 of the Traffic Code.]

23 SECTION 6. Chapter 5, Article 8, Section 4 is amended as follows:

24 § 5-8-4 VEHICLE TRESPASS PROHIBITED; EXCEPTIONS.

25 After the effective date of this article, no person shall ride or operate a
26 motorized vehicle on Open Space Lands or Regional Preserves where
27 boundaries are clearly marked; or on any path, trail, or road on which a barrier
28 or sign has been erected or placed. [Notwithstanding this provision, the Parks
29 and Recreation Department may permit Class 1, Class 2, or Class 3 electric-
30 assisted bicycles or powered micromobility vehicles on trails within Open
31 Space Lands or Regional Preserves by erecting a sign or other marker or
32 designating the area as an e-bike or powered micromobility vehicle area on a
33 map published on the City's website. Section 8-3-3-16 R.O.A. 1994 of the

1 Traffic Code shall govern the lawful speed limit on Open Space Lands or
2 Regional Preserves.]

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

10 SECTION 8. COMPILATION. Sections 1, 2, 3, 4, 5 and 6 of this ordinance shall
11 amend, be incorporated in and be compiled as part of the Revised Ordinances
12 of Albuquerque, New Mexico, 1994.

13 SECTION 9. EFFECTIVE DATE. This ordinance shall take effect five (5) days
14 after publication by title and general summary.

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

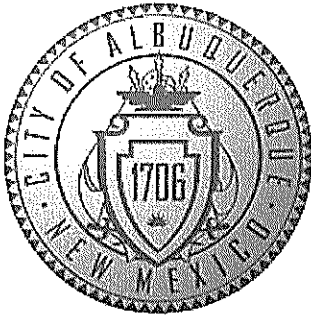
30

31

32

33

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion




Mayor Timothy M. Keller

CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Office of the Mayor

INTER-OFFICE MEMORANDUM

February 22, 2024

TO: Dan Lewis, President, City Council

FROM: Timothy M. Keller, Mayor 

SUBJECT: Ordinance to Define and Regulate Electric-Assisted Bicycles and Other Personal Motorized Modes of Transportation

This legislation proposes amendments to the Revised Code of Ordinances of Albuquerque, New Mexico, 1994 for the purposes of managing e-bikes and powered micromobility vehicles on City multi-use trails and in Major Public Open Space. The measure would: update definitions of e-bikes and powered micromobility vehicles; specify where e-bikes and powered micromobility vehicles can be used; and set a speed limit on City paved, multi-use trails.

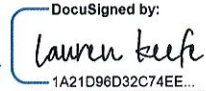
Introduction and consideration of this measure by City Council is most appreciated.

Ordinance to Define and Regulate Electric-Assisted Bicycles and Other Personal Motorized Modes of Transportation

Approved:

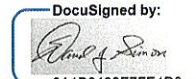
Approved as to Legal Form:

 3/7/24
Samantha Sengel Date
Chief Administrative Officer

DocuSigned by:
 2/26/2024 | 11:42 AM MST
1A21D96D32C74EE...
Lauren Keefe Date
City Attorney

Recommended:

DS
LB

DocuSigned by:
 2/26/2024 | 10:33 AM MST
3A1B8403E7FE4D0...
David J. Simon Date
Director

Cover Analysis

1. What is it?

A measure to amend the Revised Ordinances of Albuquerque to define and amend sections related to Electric-Assisted Bicycles and Powered Micromobility Vehicles and their use on paved and unpaved trails within the City of Albuquerque.

2. What will this piece of legislation do?

This legislation will amend the Revised Code of Ordinances, specifically Chapter 8 (Traffic Code) and Chapter 5, Article 8 (Open Space Lands and Regional Preserves) to define Electric-Assisted Bicycles (or e-bikes) to meet the definition in NM Senate Bill (SB) 69 as well as to define Powered Micromobility Vehicles, which include e-scooters, powered skates, mobility scooters, one wheeled vehicles, and similar equipment.

Class 1 e-bikes have a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour. Class 2 e-bikes have a motor that provides assistance regardless of whether the rider is pedaling but ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour. Class 3 e-bikes have a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty-eight miles per hour.

NM SB 69, which took effect as state law on July 1, 2023, allows Class 1 e-bikes on bicycle or pedestrian paths, but prohibits Class 2 and Class 3 e-bikes on bicycle or pedestrian paths and expressly prohibits Class 2 and 3 e-bikes on unpaved trails unless local jurisdictions choose to allow them.

The new state law is intended to specifically allow e-bikes and other micromobility vehicles to be operated on urban trails to meet the needs of commuter and recreational trail users of all abilities. SB 69, however, also allows local jurisdictions to “customize” their e-bike management within the general provisions of the new state law.

The proposed ordinance changes will also allow the Parks and Recreation Department (PRD) to set speed limits on all trails for all users, including for e-bikes. PRD conducted research on e-bike management around the nation, which included studying the experience of many communities in the West that are trying to handle the growing use of e-bikes. PRD concluded (as has other communities) that the biggest issue with e-bikes on trails relates to their speed rather than the specific class of e-bike. Speed is also the most reported concern on trails by pedestrian users who mix with cyclists, including e-bikes; faster e-bike riders can also conflict with traditional human-powered cyclists. The proposed amendments to City ordinances set a maximum speed on City trails of 20 mph.

The existing Open Space ordinance currently prohibits any “motorized vehicles” as defined in Chapter 5—which would include e-bikes—on open space lands, trails, and regional preserves. This legislation would confirm that general prohibition, but would allow the Open Space Division to allow e-bikes and/or other powered micromobility vehicles on some trails on a case-by-case basis. OSD would only allow e-bikes on un-paved trails after careful review to determine suitability for powered recreation, which would include input from key stakeholders and the general public.

3. Why is this project needed?

The state law regarding e-bikes drastically limits the use of e-bikes on trails in the City of Albuquerque; under the state law, only Class 1 e-bikes (which have a “pedal-assist” motor) are allowed on bicycle or pedestrian paths. E-bikes are growing in popularity and many states and municipalities are developing e-bike incentive programs or tax rebates to allow more people to cycle with varying levels of physical ability. The number of e-bikes of every class is growing, and many owners of Class 2 and Class 3 e-bikes want to use their e-bikes on trails and streets. Unless the City of Albuquerque adopts its own e-bike rules, Class 2 and Class 3 e-bikes will remain illegal on bicycle or pedestrian paths.

After e-bikes legislation passed at the state level, public comment collected through the Greater Albuquerque Active Transportation Committee (GAARTC) was overwhelmingly in favor of allowing e-bikes beyond Class 1 on paved, multi-use trails. While all classes of e-bikes are allowed on streets, many cyclists feel safer riding on paved multi-use

trails and would benefit from the ability to move easily from on-street to off-street bicycle facilities.

The state law did not make an attempt to address other forms of powered micromobility devices like e-scooters, powered skates, self-balancing one-wheel devices, etc. As technology continues to advance, there will be a need for defining and regulating operation of these vehicles. The definition in this legislation covers a wide variety of e-powered devices giving the City of Albuquerque some advanced controls to limit and regulate their use.

Many of the concerns expressed regarding issues on paved trails are related to speed of cyclists regardless of type or class of e-bike. The various classes of e-bikes are almost indistinguishable from each other, and more powerful e-bikes (e.g. Class 2 & 3) can still be operated at lower speeds. PRD research found that municipal jurisdictions have begun to regulate speeds on trails as the most effective form of regulation. Posted speed limits with a maximum speed of 20 mph would limit the ability for those users to reach those speeds on trails. All e-bike users, however, regardless of the class of e-bike they own, would still be able to operate via paved trail and on-street bicycle facilities, which is much safer as users navigate our on-street/off-street network.

The legislation is also needed to appropriately regulate e-bikes on Open Space trails in order to protect resources and recreation experiences. Currently, motorized vehicles of any kind are prohibited on Open Space lands. Because of growing use of e-bikes and strong demand from those users, however, cities around the United States, have begun to designate specific paved and un-paved trails within open space and similar natural areas to allow e-bike use. The amendments to Chapter 5 (Open Space) would allow immediate e-bike access to existing paved trails in open space (such as the Paseo del Bosque Trail and Paseo del la Mesa Trail), while creating a process to consider e-bike use on unpaved trails if and when the public supports it and if such use can balance the need for solitude, passive recreation, and protection of views, wildlife, and ecosystems.

4. How much will it cost and what is the funding source?

Whether or not the ordinance changes are enacted, there will be costs to implement the new state law governing e-bikes. PRD will need to post signs and markings to clearly indicate where e-bikes or powered micromobility vehicles are allowed or not allowed. If the proposed Ordinance changes are enacted, PRD would definitely need to begin posting speed limit signs on paved, multi-use trails. PRD estimates that signage will eventually cost approximately \$100,000 for the 150-mile, paved, multi-use trail system. There may be other costs for enforcement, such as installing automated speed sensors and other technology to monitor rider speed and encourage compliance with rules and aid in enforcement. Other enforcement costs could come via existing law enforcement resources (e.g. APD Officers and APD Conservation Officers) depending on need. PRD has a dedicated fund for trails projects that would accommodate these costs. (7910300)

5. Is there a revenue source associated with this contract? If so, what level of income is projected?

No.

6. What will happen if the project is not approved?

Without a customized local ordinance for e-bikes, the general state law will apply to Albuquerque. Under current state law, only Class 1 e-bikes can be operated on paved trails in the City. No Class 2 or Class 3 e-bikes could be legally operated on paved, multi-use trails. This will prevent thousands of e-bike riders from using paved trails or make law-breakers of them if they do. Also, under existing state law, no e-bikes can be operated on unpaved trails. Current City regulations prohibit their use in Open Space, which would prohibit e-bikes on the Paseo del Bosque Trail, for example.

7. Is this service already provided by another entity?

No.