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1 share jurisdiction or has a use agreement with a local, state, or federal agency
2 or private entity: 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 *DEFINITIONS*, is
9 amended to add or edit definitions in the appropriate alphabetical order of the
10 section as follows:

11 **CLASS 1 ELECTRIC-ASSISTED BICYCLE: An electric-assisted bicycle**
12 **equipped with a motor not exceeding seven hundred fifty watts of power that**
13 **only provides assistance when the rider is pedaling and that ceases to provide**
14 **assistance when the bicycle reaches a speed of twenty miles per hour.**

15 **CLASS 2 ELECTRIC-ASSISTED BICYCLE: An electric-assisted bicycle**
16 **equipped with a motor not exceeding seven hundred fifty watts of power that**
17 **provides assistance regardless of whether the rider is pedaling but ceases to**
18 **provide assistance when the bicycle reaches a speed of twenty miles per hour.**

19 **CLASS 3 ELECTRIC-ASSISTED BICYCLE: An electric-assisted bicycle**
20 **equipped with a motor not exceeding seven hundred fifty watts of power that**
21 **provides assistance only when the rider is pedaling and that ceases to provide**
22 **assistance when the bicycle reaches a speed of twenty-eight miles per hour.**

23 **ELECTRIC-ASSISTED BICYCLE OR E-BIKE. A bicycle having two or three**
24 **wheels, fully operable pedals, and an electric motor. Electric-assisted**
25 **bicycles are classified as Class 1, Class 2 or Class 3.]**

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

29 **SMALL VEHICLE.** Bicycles, scooters, e-bikes, e-scooters, and other small,
30 wheeled vehicles designed specifically for shared-use by no more than two
31 individuals at a time and are deployed by private shared active transportation
32 entities. Operators of small vehicles have the same rights as operators of

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1 bicycles in the use of streets, highways, roadways, [municipal paved or dirt
2 paths,] and sidewalks, except as otherwise specifically [prohibited by
3 provisions of this Traffic Code] ~~[provided herein].~~

4 [POWERED MICROMOBILITY DEVICE. A wheeled device that is fully or
5 partially powered, has a curb weight of less than 100 lb., has an electric motor
6 less than 750 watts, and has a top speed of less than 30 mph. A powered
7 micromobility device includes a powered standing scooter, powered self-
8 balancing board, powered non-self-balancing board, mobility scooter, or
9 powered skates but does not include electric-assisted bicycles.]

10 SECTION 2. Chapter 8, Article 3, Part 3, Section 1 is amended as follows:

11 § 8-3-3-1 JURISDICTION.

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

21 SECTION 3. Chapter 8, Article 3, Part 3, Section 5 is amended to add a
22 subsection (C) as follows:

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

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

27 SECTION 4. Chapter 8, Article 3, Part 3, Section 6 is amended as follows:

28 § 8-3-3-6 [USE OF BICYLES, E-BIKES AND POWERED MICROMOBILITY
29 DEVICES] [RIDING] ON [PROHIBITED] STREETS OR CONTROLLED ACCESS
30 ROADWAYS.

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1 [(A) Bicycles, Class 1, Class 2 or Class 3 e-bikes, and powered micromobility
2 devices are permitted on any street or path, unless prohibited in accordance
3 with the provisions in Subsection B below.

4 [(B)] No person shall ride a bicycle [, e-bike, or powered micromobility device]
5 [either] on any street or path where signs have been erected by the Mayor or
6 [Mayor's][his] designated representative which prohibit the use of the street or
7 path to bicycles [, e-bikes, or powered micromobility devices.] [or which
8 restrict the use of the street or path to modes of transportation other than
9 bicycles.]

10 [(C)] Notwithstanding this provision, drivers of vehicles using such streets or
11 controlled access roadways are not relieved of responsibility of using due
12 care.

13 [(D) This Section 8-3-3-6 does not apply to the operation of e-bikes or powered
14 micromobility devices in City-Owned Open Space Lands, Regional Preserves,
15 and Open Space Lands where the City shares jurisdiction with a local, state or
16 federal agency, which is governed by Chapter 5, Article 8 of the Revised
17 Ordinances of Albuquerque, 1994.]

18 SECTION 5. Chapter 8, Article 3, Part 3, Section 16 is amended as follows:
19 § 8-3-3-16 BICYCLE SPEED

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

23 [(B) The lawful posted speed limit on any bicycle trail or path is twenty (20)
24 miles per hour, unless a lower speed is posted by the Mayor, or Mayor's
25 designated representative.]

26 SECTION 6. Chapter 5, Article 8, Section 3 is amended to add definitions in
27 the appropriate alphabetical order of the section as follows:

28 [ELECTRIC-ASSISTED BICYCLE or E-BIKE shall have the meaning given in
29 Chapter 8, Article 1, Part 1, Section 2 of the Traffic Code.]

30 [POWERED MICROMOBILITY DEVICE shall have the meaning given in Chapter
31 8, Article 1, Part 1, Section 2 of the Traffic Code.]

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1 SECTION 7. Chapter 5, Article 8 is amended to create a new Section as
2 follows:

3 [§ 5-8-8 USE OF BICYCLES, E-BIKES, AND POWERED MICROMOBILITY
4 DEVICES IN OPEN SPACE LANDS.

5 (A) Bicycles and Class 1, 2, and 3 E-Bikes are permitted on trails located
6 within Open Space lands, unless prohibited through a posted sign and or an
7 on-line map. The Mayor or Mayor's designated representative may permit or
8 prohibit such use on trails based on safety, resource management, and other
9 open space management considerations.

10 (B) Operators of Bicycles, E-Bikes, and Powered Micromobility Devices are
11 not relieved of responsibility of using due care in the operation of their vehicle
12 and or device, and shall follow all posted signage regarding use, speed, and
13 required etiquette for the safety of all trail users.

14 (C) Powered Micromobility Devices are only permitted on paved trails located
15 within Open Space lands.

16 (D) Bicycles, Class 1, 2, and 3 E-Bikes and Powered Micromobility Devices are
17 not permitted in areas, trails, paths, roads, or racecourses that have shared
18 use agreements or co-management responsibilities without permission from
19 the partner organization(s) and unless a sign has been posted indicating such
20 use is allowed.

21 (E) ROA 1994, Section 8-3-3-16 of the Traffic Code shall govern the lawful
22 speed limit on trails located in Open Space lands.]

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

30 SECTION 9. COMPILATION. Sections 1, 2, 3, 4, 5, 6, and 7 of this ordinance
31 shall amend, be incorporated in and be compiled as part of the Revised
32 Ordinances of Albuquerque, New Mexico, 1994.

1 SECTION 10. EFFECTIVE DATE. This ordinance shall take effect five (5)
2 days after publication by title and general summary.

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