

CITY of ALBUQUERQUE

TWENTY SIXTH COUNCIL

COUNCIL BILL NO. C/S O-24-14 ENACTMENT NO. 0-2024-021

SPONSORED BY: Brook Bassan

1 ORDINANCE
 2 AMENDING PORTIONS OF THE TRAFFIC CODE (CHAPTER 8) AND OPEN
 3 SPACE LANDS AND REGIONAL PRESERVES (CHAPTER 5) OF THE CODE OF
 4 ORDINANCES TO DEFINE AND REGULATE ELECTRIC-ASSISTED BICYCLES,
 5 ALSO KNOWN AS E-BIKES, AND OTHER PERSONAL MOTORIZED MODES OF
 6 TRANSPORTATION.

7 WHEREAS, electronic-assisted bicycles, also known as “e-bikes”, are
 8 gaining popularity across a diverse population of bicycle riders in the United
 9 States; and

10 WHEREAS, e-bikes are a way for individuals with disabilities and other
 11 individuals who need assistance to have access to bicycle travel and bicycle
 12 recreation; and

13 WHEREAS, NMSA 1978, Section 32A-24-2 of the New Mexico Child Helmet
 14 Safety Act and NMSA 1978, Sections 66-1-4.5, 66-1-4.11, 6-1-4.13, 66-3-1, 66-3-
 15 708, and 66-3-709 of the New Mexico Motor Vehicle Code define electric-
 16 assisted bicycles and regulate use on bicycle paths and trails; and

17 WHEREAS, e-bikes and bicycles moving at speeds excessive for shared
 18 use paths and trails present a danger to residents and visitors using trails and
 19 paths for recreation or exercise; and

20 WHEREAS, the City’s Parks and Recreation Department is responsible for
 21 management that conserves low-impact recreation, trails, solitude, wildlife
 22 habitat, and expansive views of the City’s Open Space lands; and

23 WHEREAS, the City’s Parks and Recreation Department has resource
 24 management responsibilities on Major Public Open Space where the City may

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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 THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
7 ALBUQUERQUE:

8 SECTION 1. Chapter 8, Article 1, Part 1, Section 2 *DEFINITIONS*, is amended
9 to add or edit definitions in the appropriate alphabetical order of the section as
10 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 ***MOTORIZED VEHICLE.*** Any vehicle which is self-propelled by gas, diesel,
30 or electric motor, whether 2, 3, or 4 wheeled or carried on treads or tracks
31 excluding electric-assisted bicycle or e-bike and powered micromobility
32 devices as defined in § 5-8-2 Definitions.

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1 **SMALL VEHICLE.** Bicycles, scooters, e-bikes, e-scooters, and other small,
2 wheeled vehicles designed specifically for shared-use by no more than two
3 individuals at a time and are deployed by private shared active transportation
4 entities. Operators of small vehicles have the same rights as operators of
5 bicycles in the use of streets, highways, roadways, municipal paved or dirt
6 paths, and sidewalks, except as otherwise specifically prohibited by
7 provisions of this Traffic Code.

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

14 **SECTION 2.** Chapter 8, Article 3, Part 3, Section 1 is amended as follows:
15 **§ 8-3-3-1 JURISDICTION.** The regulations in §§ 8-3-3-1 et seq. shall be
16 applicable whenever a bicycle, e-bikes, or powered micromobility devices is
17 operated on any municipal paved or dirt path or roadway set aside for the
18 exclusive use of bicycles, e-bikes, or powered micromobility devices or set
19 aside for use of bicycles, e-bikes, or powered micromobility devices with
20 pedestrians, motorcycles and/or horseback riders and shall also be applicable
21 to all streets, parking lots and the like, regardless of road surfaces covered by
22 § 8-1-3-2. Provisions listed in this Article 3 as applicable to bicycles are
23 equally applicable to e-bikes and powered micromobility devices.

24 **SECTION 3.** Chapter 8, Article 3, Part 3, Section 5 is amended to add a
25 subsection (C) as follows:
26 **§ 8-3-3-5 OBEDIENCE TO TRAFFIC CONTROL DEVICES.**
27 **(C)** Any person operating a bicycle, e-bike, or powered micromobility device
28 on a street or controlled access roadway is responsible for using due care in
29 the operation of their vehicle and or device.

30 **SECTION 4.** Chapter 8, Article 3, Part 3, Section 6 is amended as follows:
31 **§ 8-3-3-6 USE OF BICYLES, E-BIKES AND POWERED MICROMOBILITY**
32 **DEVICES ON STREETS OR CONTROLLED ACCESS 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 on
- 5 any street or path where signs have been erected by the Mayor or Mayor's
- 6 designated representative which prohibit the use of the street or path to
- 7 bicycles, e-bikes, or powered micromobility devices.
- 8 (C) Notwithstanding this provision, drivers of vehicles using such streets or
- 9 controlled access roadways are not relieved of responsibility of using due
- 10 care.
- 11 (D) This Section 8-3-3-6 does not apply to the operation of e-bikes or powered
- 12 micromobility devices in City-Owned Open Space Lands, Regional Preserves,
- 13 and Open Space Lands where the City shares jurisdiction with a local, state or
- 14 federal agency, which is governed by Chapter 5, Article 8 of the Revised
- 15 Ordinances of Albuquerque, 1994.

16 SECTION 5. Chapter 8, Article 3, Part 3, Section 16 is amended as follows:

17 § 8-3-3-16 BICYCLE SPEED.

- 18 (A) No person shall operate a bicycle at a speed either greater than the lawful
- 19 speed limit or than is reasonable and prudent under the conditions then
- 20 existing, whichever is the lesser.
- 21 (B) The lawful posted speed limit on any bicycle trail or path is twenty (20)
- 22 miles per hour, unless a lower speed is posted by the Mayor, or Mayor's
- 23 designated representative.

24 SECTION 6. Chapter 5, Article 8, Section 3 is amended to add definitions in

25 the appropriate alphabetical order of the section as follows:

- 26 ELECTRIC-ASSISTED BICYCLE or E-BIKE shall have the meaning given in
- 27 Chapter 8, Article 1, Part 1, Section 2 of the Traffic Code.
- 28 POWERED MICROMOBILITY DEVICE shall have the meaning given in Chapter
- 29 8, Article 1, Part 1, Section 2 of the Traffic Code.

30 SECTION 7. Chapter 5, Article 8 is amended to create a new Section as

31 follows:

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1 § 5-8-8 USE OF BICYCLES, E-BIKES, AND POWERED MICROMOBILITY
2 DEVICES IN OPEN SPACE LANDS.

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

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

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

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

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

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

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

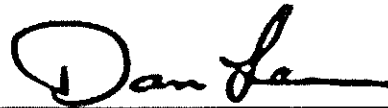
31 SECTION 10. EFFECTIVE DATE. This ordinance shall take effect five (5)
32 days after publication by title and general summary.

1 PASSED AND ADOPTED THIS 5th DAY OF August, 2024
2 BY A VOTE OF: 8 FOR 1 AGAINST.

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For: Baca, Bassan, Champine, Grout, Lewis, Peña, Rogers, Sanchez
Against: Fiebelkorn

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Dan Lewis, President
City Council

16 APPROVED THIS _____ DAY OF _____, 2024

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Bill No. C/S O-24-14

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Timothy M. Keller, Mayor
City of Albuquerque

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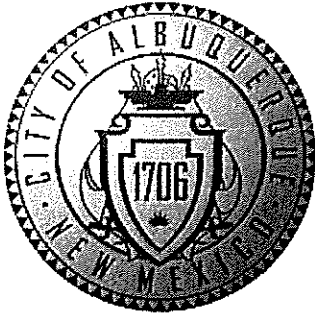
ATTEST:



Ethan Watson, City Clerk

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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.

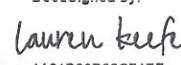
Introduction and consideration of this measure by City Council is most appreciated.

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

Approved:

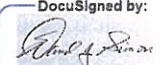
Approved as to Legal Form:

 3/7/24
Samantha Sengel Date
Chief Administrative Officer

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 2/26/2024 | 11:42 AM MST
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Lauren Keefe Date
City Attorney

Recommended:

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LB

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 2/26/2024 | 10:33 AM MST
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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.

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?