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1 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
2 ALBUQUERQUE:

3 SECTION 1. AMEND SECTION 8-1-1-2 DEFINITIONS AS FOLLOWS

4 A. Add the following definitions in the proper alphabetical position in the
5 existing list of definitions:

6 1. SHARED ACTIVE TRANSPORTATION. A network or system of
7 small vehicles, placed in the public right-of-way and for rent in short time
8 increments, that provides increased mobility options over short distances in
9 urban areas.

10 **2. SHARED ACTIVE TRANSPORTATION STATION. Permitted stations**
11 **placed throughout the right-of-way and adjacent public and private property**
12 **where customers pick up and return small vehicles.**

13 3. SMALL VEHICLE. Bicycles, scooters, e-bikes, e-scooters, and
14 other small, wheeled vehicles designed specifically for shared-use by no more
15 than two individuals at a time, and are deployed by private Shared Active
16 Transportation entities. Operators of small vehicles have the same rights as
17 operators of bicycles in the use of streets, highways, roadways, and
18 sidewalks, except as otherwise specifically provided herein.

19 SECTION 2. Create a new Section 3 in Chapter 8 of the Code of Ordinances
20 titled [“Shared Active Transportation”] with the following provisions.

21 Renumber subsequent sections in Chapter 8.

22 **8-3-1 SHARED ACTIVE TRANSPORTATION PROVISIONS**

23 **8-3-1-1 Applicability**

24 When operating within the public right-of-way, every entity offering or
25 managing small vehicles as part of shared active transportation service,
26 including but not limited to bike-share programs and electric scooter-share
27 programs, must comply with the requirements outlined in this section. Equity-
28 focused programming options for vulnerable and underserved populations are
29 encouraged.

30 **8-3-2 REGISTRATION REQUIRED**

31 The Administration shall create a permitting process including, but not limited
32 to, the following provisions for Shared Active Transportation entities.

33 **8-3-2-1 Registration Process**

1 (A) Every entity operating a shared active transportation program within
2 the City limits must have an active City business license.

3 (B) Prior to offering any small vehicle service within any public right-of-
4 way, every entity operating a shared active transportation program within the
5 City limits must receive City approval ~~for each location~~ to operate within the
6 right-of-way. In order to be eligible for approval, each entity must provide:

7 1. Proof of liability insurance that names the City as an additional
8 insured, and demonstrating minimum coverage as required by the City.

9 2. The contact information of a locally-based manager or operations
10 staff member who can respond to city requests, emergencies, or other issues
11 at any time.

12 3. A listing of every location where the shared mobility stations are
13 to be placed, including scaled diagrams, if applicable. Approval from the City
14 must be obtained for each mobility station location, ~~if any~~. The City reserves
15 the right to deny a location for present and future municipal or safety reasons.

16 (C) ~~For all non-publicly funded programs~~, the City shall charge a
17 processing fee for the following items:

18 1. Each permit application, ~~together with~~

19 2. An annual fee for each station ~~(if applicable)~~, authorized by the City
20 within any City owned property, public space, or right-of-way

21 3. A daily fee per small vehicle in service

22 ~~All funds collected from subsection 8-3-2-1(C)(2) and 8-3-2-1(C)(3) shall be~~
23 ~~used for infrastructure improvements related to pedestrian and share active~~
24 ~~transportation movement.~~

25 (D) Each City approval shall be valid for a period of five years, and, upon
26 approval of the City, may be renewed in one-year increments subject to all
27 requirements of this subsection, ~~unless terminated by the City.~~

28 (E) It is unlawful for any shared active transportation company to offer or
29 manage small vehicles except in conformance with the requirements of this
30 ordinance. Any violations of this ordinance are subject to the penalty
31 provisions of §1-1-99, and further subject to any other penalties or remedies
32 provide by law or in equity.

33 8-3-2 OPERATIONAL REQUIREMENTS

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1 (A) Entities operating shared active transportation programs within the City
2 limits shall comply with the following regulations. Non-compliance with these
3 regulations may result in the revocation of their permit:

4 1. Small vehicles shall not be left in the public right-of-way other than
5 when ~~attached to~~ ~~placed at~~ an existing, city-approved shared active
6 transportation station, a bicycle rack, ~~an approved demarcated location,~~ or
7 other permanent fixture meant for the placement of small vehicles. This does
8 not include signs, poles, fences and other infrastructure located in the public
9 right-of-way that is not explicitly meant for small vehicle parking.

10 2. Damaged, abandoned, or improperly placed small vehicles in the
11 public right-of-way shall be removed within 24 hours of ~~their placement. the~~
12 ~~local contact being notified of the improper placement.~~ Failure to remove
13 damaged, abandoned, or improperly placed small vehicles shall result in a
14 fine, a minimum of \$50 per small vehicle per day.

15 3. The City shall have the right, but no obligation, to remove any
16 abandoned, unattended or improperly placed small vehicle that is, in the sole
17 opinion of the City, a safety hazard ~~or an impediment to access ensured by the~~
18 ~~Americans with Disabilities Act. and~~ The City shall have the right to charge a
19 removal and storage fee ~~for any vehicles removed for these reasons.~~

20 3.4. All small vehicles must comply with safety standards
21 established by the Consumer Product Safety Commission ~~or the American~~
22 ~~Society for Testing and Materials,~~ and all other applicable federal, state, and
23 city safety standards.

24 4.5. All small vehicles must have, and clearly display, a unique,
25 permanent identification number.

26 5.6. For all electric-assist small vehicles, the maximum motor-assist
27 speed shall be 15mph.

28 6.7. Each entity must agree in writing to defend, save harmless and
29 indemnify the City and any officer or employee of the City relating to any
30 liabilities that may arise from the entity's operation of its shared active
31 transportation program within the municipal limits.

32 Section 3. SEVERABILITY. If any section, paragraph, sentence, clause,
33 word or phrase of this Ordinance is for any reason held to be invalid or

1 unenforceable by any court of competent jurisdiction, such decision shall not
2 affect the validity of the remaining provisions of this Ordinance. The Council
3 hereby declares that it would have passed this Ordinance and each section,
4 paragraph, sentence, clause, word or phrase thereof irrespective of any
5 provision being declared unconstitutional or otherwise invalid.

6 Section 4. COMPILATION. Sections 1 and 2 of this ordinance shall be
7 incorporated in and made part of the Revised Ordinances of Albuquerque, NM,
8 1994.

9 Section 5. EFFECTIVE DATE. This Ordinance shall take effect five days
10 after publication by title and general summary.

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