CITY of ALBUQUERQUE TWENTY THIRD COUNCIL

ENACTMENT NO.

COUNCIL BILL NO. C/S O-18-29

SDONS(DRED BY: Patrick Davis
SPONS	JRED BT. Fallick Davis
1	ORDINANCE
2	AMENDING THE TRAFFIC CODE TO IMPLEMENT MINIMUM STANDARDS FOR
3	SHARED ACTIVE TRANSPORTATION PROGRAMS AS THEY RELATE TO
4	OPERATION AND MAINTENANCE IN THE PUBLIC RIGHT-OF-WAY
5	WHEREAS, shared mobility programs are becoming increasingly popular
6	across the country; and
7	WHEREAS, shared active transportation programs offer an alternative
8	mode of transportation for people; and
9	WHEREAS, currently, bicycle and electric scooters are the two major types
10	of shared mobility programs that are active across the country; and
<u></u> 11	WHEREAS, while these programs are beneficial to a community for many
11 12 12 12 12 12 12 12 12 12 12 12 12 1	reasons, they also draw administrative and operational concerns from the
₁ ^᠘ 13	standpoint of the City; and
4/Strikethrough Material] 19 11 12 15 16 17 19 19 19 19 19 19 19 19 19 19 19 19 19	WHEREAS, it is in the City's best interest for the health, safety, and welfare
# 15	of the community to require shared active transportation programs to comply
量 16	with minimum operational requirements; and
₫ 17	WHEREAS, it is in the City's best interest to monitor these programs as
₹ 18	they exist in the public right-of-way; and
#/Strikethrough Material] - Deletic 6 8 1 9 1 1 1 2 1 1 2 1 1 1 2 1 1 1 1 1 1 1	WHEREAS, many municipalities across the country are determining the
	best way to address shared active transportation programs; and
20 21 21 22 22	WHEREAS, in July of 2018 the National Association of City Transportation
鱼 22	Officials (NACTO) published a guide with recommendations on how
23	municipalities might regulate these programs; and
24	WHEREAS, the requirements outlined in this ordinance are based on
25	recommendations in the aforementioned NACTO guide.

	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
, uo	18	sidewalks, except as otherwise specifically provided herein.
] - New - Deletion	19	SECTION 2. Create a new Section 3 in Chapter 8 of the Code of Ordinances
<u>-</u> 교	20	titled ["Shared Active Transportation"] with the following provisions.
terië	21	Renumber subsequent sections in Chapter 8.
Mate	22	8-3-1 SHARED ACTIVE TRANSPORTATION PROVISIONS
orecigh #	23	8-3-1-1 Applicability
id/Underscored Materia Strikethrough Material]	24	When operating within the public right-of-way, every entity offering or
Nd X	25	managing small vehicles as part of shared active transportation service,
ed/L	26	including but not limited to bike-share programs and electric scooter-share
sket efec	27	programs, must comply with the requirements outlined in this section. Equity-
[Bracketed/Underscored Material] - New [Bracketed/Strikethrough Material] - Deleti	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

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF

A. Add the following definitions in the proper alphabetical position in the

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

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8-3-2-1 Registration Process

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to, the following provisions for Shared Active Transportation entities.

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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:
<u> </u>	1. Each permit application, together with
18 19 20	2. An annual fee for each station (if applicable), authorized by the City
	within any City owned property, public space, or right-of-way
21 22 22	3. A daily fee per small vehicle in service
	All funds collected from subsection 8-3-2-1(C)(2) and 8-3-2-1(C)(3) shall be
23 24 25 26 27 28 29	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
1	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
0	18	Americans with Disabilities Act. and The City shall have the right to charge a
- Deletion	19	removal and storage fee for any vehicles removed for these reasons.
	20	3.4. All small vehicles must comply with safety standards
<u>#</u>	21	established by the Consumer Product Safety Commission or the American
N N	21 22 23 24 25 26 27 28 29	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
919	27	speed shall be 15mph.
8	28	6.7. Each entity must agree in writing to defend, save harmless and
<u> </u>	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

	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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unenforceable by any court of competent jurisdiction, such decision shall not