

0-2014-022

CITY OF ALBUQUERQUE
CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Richard J. Berry, Mayor

FROM: Jon K. Zaman, Director of Council Services

Jon 10/24/14

SUBJECT: Transmittal of Legislation

Transmitted herewith is Bill No. F/S O-14-23 Amending The Traffic Code, Chapter 8 Of The Revised Ordinances Of Albuquerque, To Regulate Pedal Carriages (Benton, by request), which was passed at the Council meeting of October 20, 2014 by a vote of 8 FOR AND 0 AGAINST.

Excused: Winter

In accordance with the provisions of the City Charter, your action is respectfully requested.

JKZ:mh
Attachment

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1 SECTION 2. A new section is added to the Traffic Code as Chapter 8,
2 Article 3, Part 4 (8-3-4) titled "Pedal buses" as follows:

3 "§ 8-3-4-1 JURISDICTION.

4 The regulations in §§ 8-3-4-1 et seq. shall be applicable whenever a
5 Pedal Bus is operated on any municipal streets or parking lots open to the
6 public and the like.

7 § 8-3-4-2 PEDAL BUS REGULATIONS & EQUIPMENT.

8 (A) Except as to those provisions which by their nature can have
9 no application to Pedal Buses, every Pedal Bus must comply with all
10 provisions of this Traffic Code and of the New Mexico Motor Vehicle Code,
11 NMSA 1978 § 66-1-1 et. seq. (the "MVC") otherwise applicable to vehicles, and
12 is subject to the same penalties for violation thereof.

13 (B) Except as to those provisions which by their nature can have
14 no application, every Pedal Bus is required to satisfy the minimum equipment
15 requirements for motor vehicles as prescribed by NMSA 1978 §§ 66-3-801
16 through 66-3-887 and this Traffic Code, including but not limited to those
17 requirements for illumination, braking equipment, and demarcation as a slow
18 moving vehicle. In addition, every Pedal Bus must:

19 (1) Be equipped with a rear-view mirror accessible by the
20 operator;

21 (2) Maintain a clean, sanitary interior free from torn
22 upholstery or floor covering and from damaged or broken seats;

23 (3) Maintain body panels, fenders, grills and all other
24 finishes and equipment free from cracks, breaks, and dents that would impair
25 the safety or appearance of the Pedal Bus;

26 (4) Maintain matching tires in good repair and free from
27 damage or excessive wear; and

28 (5) Maintain an operational parking brake.

29 (C) Every Pedal Bus must be equipped with a sign attached to the
30 interior of the Pedal Bus within view of passengers indicating the name of the
31 Pedal Bus business or operator, a Pedal Bus number which is unique, and a
32 telephone number that can be used by any person to complain about the

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1 operation of or non-compliance of the Pedal Bus with this Ordinance or other
2 laws.

3 (D) Every Pedal Bus must be equipped with an electrical assist
4 system minimally capable of moving the device to a safe location in case of
5 emergency.

6 (E) The onus is upon the operator of a Pedal Bus to ensure that all
7 applicable requirements are satisfied.

8 § 8-3-4-3 PEDAL BUS OPERATORS.

9 (A) No Pedal Bus shall be operated except by a Pedal Bus
10 Operator who:

11 (1) Is licensed to drive a motor vehicle under the Laws of
12 New Mexico, or licensed to drive a commercial motor vehicle if the Pedal Bus
13 is designed to transport 16 or more passengers including the driver;

14 (2) Is at least 18 years of age;

15 (3) Has not had more than one 1 moving violation in the last
16 year, nor more than three (3) in the last three (3) years; and

17 (4) Has never been convicted of careless or reckless
18 driving or any violation of driving while impaired.

19 (B) Every Pedal Bus Operator is subject to all the duties
20 applicable to the drivers of motor vehicles, except as otherwise expressly
21 provided in this Traffic Code and except as to those provisions which by their
22 nature can have no application to Pedal Buses; and each such operator shall
23 be subject to the same provisions and sections of this Traffic Code to which a
24 motorist is subject.

25 (C) Every Pedal Bus Operator shall operate a Pedal Bus only in
26 compliance with all applicable federal, state, and local laws, and only in a
27 manner so as to assure the safety of persons and property.

28 (D) Every Pedal Bus Operator shall obey the instructions of
29 official traffic control signals, signs, and other control devices and parking
30 regulations applicable to vehicles, unless otherwise directed by a police
31 officer.

32 § 8-3-4-4 PEDAL BUSES PROHIBITED ON CERTAIN STREETS OR
33 CONTROLLED ACCESS ROADWAYS.

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1 (A) Pedal Buses may operate only upon those routes described on
2 a map of routes approved and maintained by the Department of Municipal
3 Development. A map of the approved routes shall be displayed on each Pedal
4 Bus in a conspicuous manner viewable by passengers.

5 § 8-3-4-5 DRIVING ON OR ACROSS BICYCLE LANE OR PATH.

6 No Pedal Bus Operator shall navigate or operate a Pedal Bus upon or
7 across a bicycle path or lane except to cross such path or lane when turning
8 as permitted in § 8-3-3-12, to park such vehicle, or to leave a parking space.

9 § 8-3-4-6 PEDAL BUS SPEED.

10 No Pedal Bus Operator shall operate a Pedal Bus at a speed that is
11 greater than the lawful speed limit, or other than at a speed reasonable and
12 prudent under the conditions then existing.

13 § 8-3-4-7. PEDAL BUS SIZE.

14 It is unlawful to operate a Pedal Bus that is wider than 84 inches (7 feet)
15 longer than 240 inches (20 feet) or designed to carry more than eighteen (18)
16 persons.

17 § 8-3-4-8. INSURANCE REQUIREMENTS.

18 It is unlawful to operate a Pedal Bus unless currently insured by a
19 reputable insurance company with a policy providing coverage for each and
20 every Pedal Bus owned, leased, or operated; covering injury to or death of
21 persons in accidents resulting from any cause, and damage to the property of
22 another. The minimum insurance shall not be decreased below the following
23 minimum limits: \$1 million per person, \$2 million aggregate for bodily and
24 property damage per accident.”

25 SECTION 3. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
26 clause, word, or phrase of this Ordinance is for any reason held to be invalid
27 or unenforceable by any court of competent jurisdiction, such decision shall
28 not affect the validity of the remaining provisions of this Ordinance. The
29 Council hereby declares that it would have passed this Ordinance and each
30 section, paragraph, sentence, clause, word, or phrase thereof irrespective of
31 any provision being declared unconstitutional or otherwise invalid.

1 SECTION 4. COMPILATION. Sections "1" and "2" of this Ordinance shall
2 amend, be incorporated in and made part of the Revised Ordinances of
3 Albuquerque, New Mexico, 1994.

4 SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect five (5)
5 days after publication by title and general summary.

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1 PASSED AND ADOPTED THIS 20th DAY OF October, 2014
2 BY A VOTE OF: 8 FOR 0 AGAINST.

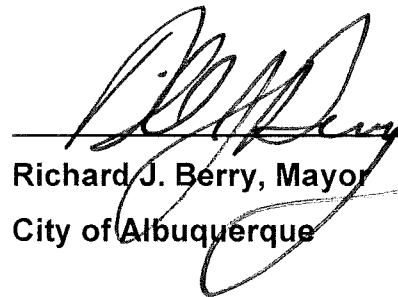
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4 Excused: Winter

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8 Ken Sanchez, President
9 City Council

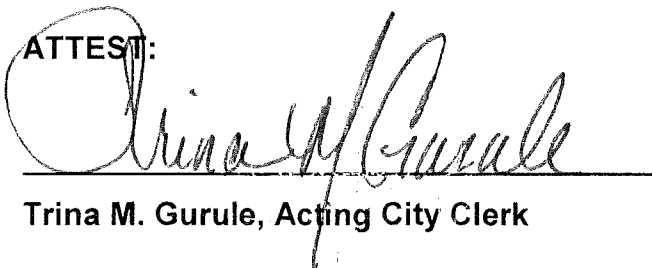
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14 APPROVED THIS 3rd DAY OF November, 2014

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18 Bill No. F/S O-14-23

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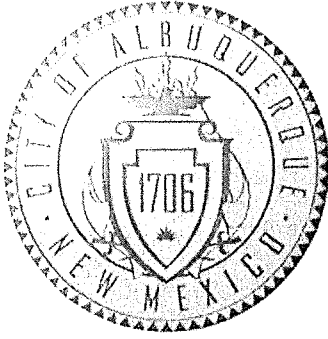
21
22 Richard J. Berry, Mayor
23 City of Albuquerque

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26 ATTEST:

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29 Trina M. Gurule, Acting City Clerk

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Mayor Richard J. Berry

CITY OF ALBUQUERQUE

Albuquerque, New Mexico

Office of the Mayor

INTER-OFFICE MEMORANDUM

September 10, 1014

TO: Ken Sanchez, President, City Council

FROM: Richard J. Berry, Mayor

SUBJECT: Approving an Ordinance Regulating Pedal Carriages, Imposing Penalties

Attached for your consideration and approval is an Ordinance Regulating Pedal Carriages, Imposing Penalties.

Pedal Carriages or Party Bikes are multi passenger human powered vehicles powered by passengers while steering and breaking is controlled by a driver. They are not the same as a Pedi cab and cannot pickup fares in the customary way that a Pedi cab does. They are tourist attractions typically used for tours. They have been proven to be very popular for tourists in cities of similar size to Albuquerque. They are also very popular with locals for corporate team building and wedding parties.

This Ordinance will allow Pedal Carriages/ Party Bikes to legally operate in Albuquerque. There is nothing in the current local traffic ordinances allowing for pedal carriage as they are too wide to classify as a bicycle. They are not a horse and carriage so require their own description to operate legally in Albuquerque.

There is no cost to the city in implementing this ordinance. The operation of Pedal Carriages will increase activities for tourists and generate additional gross receipts tax from tourists.

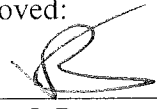
Approving an Ordinance, Regulating Pedal Carriages, Imposing Penalties

Recommended

 9-10-14

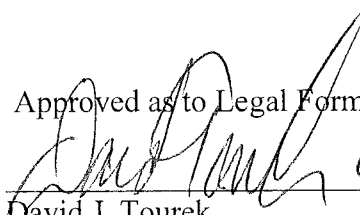
Gary Oppedahl, Director Date
Economic Development Department

Approved:

 9/10/14

Robert J. Perry Date
Chief Administrative Officer

Approved as to Legal Form:

 9/10/14

David J. Tourek Date
City Attorney

Cover Analysis

1. What is it?

This is an Ordinance Regulating Pedal Carriages, Imposing Penalties.

Pedal Carriages or Party Bikes are multi passenger human powered vehicles powered by passengers while steering and breaking is controlled by a driver. They are not the same as a Pedi cab and cannot pickup fares in the customary way that Pedi cab does.

They are tourist attractions typically used for tours. They are also used by corporations for team building as well as rented by wedding parties and birthday parties.

The Party Bike has eight or more riders plus the driver basically a group bicycle.

2. What will this piece of legislation do?

Allow Pedal Carriages to operate in Albuquerque

3. Why is this project needed?

There is nothing in the current local traffic ordinances allowing for pedal carriages, as they are too wide to classify as a bicycle. They are not a horse and carriage so require their own description to operate legally in Albuquerque.

Pedal Carriages are popular tourist activities in cities of similar size to Albuquerque. Allowing Pedal Carriage to operate in Albuquerque will attract tourists as well as provide activities for locals.

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

There is no cost to the city in implementing this ordinance

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

There is no direct revenue to the City. However, gross receipts tax from tourist paying for the activity is beneficial to the city.

Health City Sun

AFFIDAVIT OF PUBLICATION

State of New Mexico)
) ss
County of Bernalillo)


**CITY of ALBUQUERQUE
TWENTY-FIRST COUNCIL
COUNCIL BILL NO. F/S
O-14-23 ENACTMENT NO.
O-2014-022
SPONSORED BY: Isaac
Benton, by request
ORDINANCE
AMENDING THE TRAFFIC
CODE, CHAPTER 8 OF THE
REVISED ORDINANCES
OF ALBUQUERQUE,
TO REGULATE
PEDAL CARRIAGES.
BE IT ORDAINED BY
THE COUNCIL, THE
GOVERNING BODY OF THE
CITY OF ALBUQUERQUE:
HCS Pub. November 7, 2014**

David Rivord, being duly sworn declares and says he is the **Publisher** of the Health City Sun, a weekly newspaper published and having a general paid circulation in the State of New Mexico; that the said Health City Sun was entered in the post office at Albuquerque as second class mail matter on September 5, 1930, and has met all requirements of a legal newspaper under the laws of the State of New Mexico.

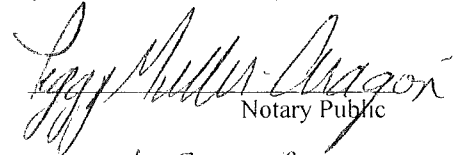
Affiant further states that this newspaper is duly qualified to publish Legal Notices or advertisements within the meaning of Section 14-11-4 of the New Mexico Statutes annotated (1978).

Affiant further states that the publication, a copy of which is hereto attached, was published in said paper in the regular and entire issue of each number of the paper, during the period and time of publication, and that the notice was published in the newspaper proper and not in a supplement thereof for 1 week, the first publication being in the issue of the 7th day of November, 2014, and the last publication being in the issue of the 7th day of November, 2014.

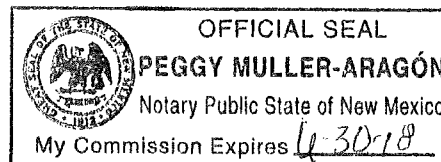
Affiant further states that the costs of publishing said legal notice have been paid, or have been assessed as court costs in the case numbered.


David Rivord, Publisher

Subscribed and sworn to before me, a Notary Public in and for said County and State, this 7th day of November, 2014.


Notary Public

My Commission Expires 6-30-18



Health City Sun

AFFIDAVIT OF PUBLICATION

State of New Mexico)
) ss
County of Bernalillo)

CIUDAD de ALBUQUERQUE
VIGÉSIMO PRIMER CONCEJO
PROYECTO DE LEY
MUNICIPAL NÚM. F/S O-14-
23 PROMULGACIÓN NÚM.
O-2014-022

PATROCINADO POR:
Isaac Benton, a solicitud
ORDENANZA

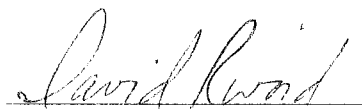
PARA ENMENDAR EL
CÓDIGO DE TRÁNSITO,
CAPÍTULO 8 DE LAS
ORDENANZAS REVISADAS
DE ALBUQUERQUE, CON
EL FIN DE REGLAMENTAR
EL TRANSPORTE A PEDAL.
ASÍ LO RESUELVE EL
CONCEJO, ÓRGANO
GOBERNANTE DE LA
CIUDAD DE ALBUQUERQUE.
HCS Pub. November 7, 2014

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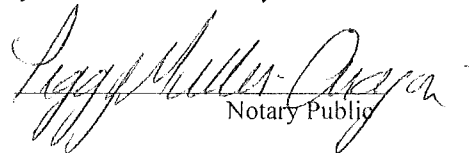
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David Rivord, Publisher

Subscribed and sworn to before me, a Notary Public in and for said County and State, this 7th day of November, 2014.


Notary Public

My Commission Expires 4-30-18

