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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. Renumber  
21 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 city-wide permitting process including, but  
32 not limited to, the following provisions for Shared Active Transportation

1 entities. Notwithstanding the requirements set forth in this section, the City  
2 reserves the right to deny a permit request for any reason.

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

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

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

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

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

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

19 (C) For all non-publicly funded programs, the City shall charge a  
20 fee for the following items. The City may reduce any applicable fees if the  
21 permit applicant is able to verify they provide equity and inclusion  
22 programming to offer low-income customers a reduced operating fee and  
23 alternative options for payment and accessing the services:

24 1. Each permit application

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

27 3. A daily fee per small vehicle in service

28 All funds collected from subsection 8-3-2-1(C)(2) and 8-3-2-1(C)(3) shall be  
29 used for infrastructure improvements related to pedestrian and share active  
30 transportation movement and the City's costs related to maintenance and  
31 oversight of any shared active transportation.

32 (D) The following data and privacy standards shall be applicable:

1           **1. Each system shall provide new users an in-app, email, and text**  
2 **notice upon initial user registration outlining that a variety of data, including**  
3 **location data and individual trips taken, is collected and used for service,**  
4 **operational, or marketing purposes if applicable. The notice shall direct users**  
5 **to a full privacy policy.**

6           **2. System data collected by each company shall be provided to the**  
7 **City on a regular basis in a format and time schedule as agreed upon by the**  
8 **City.**

9           **3. The City retains the right to request aggregate data on system use**  
10 **and aspects of system operation including but not limited to parking**  
11 **complaints, damaged or lost small vehicles, and reported crashes.**

12           **(E) Each City approval shall be valid for a period of five years, and, upon**  
13 **approval of the City, may be renewed in one-year increments, unless**  
14 **terminated by the City. The City shall conduct an annual review to ensure**  
15 **compliance set forth in §8-3-1. If any company is found to be in violation of the**  
16 **provisions set forth in §8-3-1, the City may take appropriate actions, including**  
17 **but not limited to revocation of the operating permit.**

18           **(F) It is unlawful for any shared active transportation company to offer or**  
19 **manage small vehicles except in conformance with the requirements of this**  
20 **ordinance. Any violations of this ordinance are subject to the penalty**  
21 **provisions of §1-1-99, and further subject to any other penalties or remedies**  
22 **provide by law or in equity.**

### 23 **8-3-2 OPERATIONAL REQUIREMENTS**

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

27           **1. Small vehicles shall not be parked on a sidewalk or any other**  
28 **place if the parking impedes normal and reasonable movement of pedestrian**  
29 **or other traffic and shall be placed at an existing, city-approved shared active**  
30 **transportation station, a bicycle rack, an approved shared demarcated drop**  
31 **zone, other permanent fixture meant for the placement of small vehicles, or in**  
32 **the landscaping/buffer area (as defined in §6-5-5-4).**

1           **2. Damaged, abandoned, or improperly placed small vehicles in the**  
2 **public right-of-way shall be removed within 24 hours of the local contact being**  
3 **notified of the improper placement. Failure to remove damaged, abandoned, or**  
4 **improperly placed small vehicles shall result in a fine, a minimum of \$50 per**  
5 **small vehicle per day. Every small vehicle must have the ability to be remotely**  
6 **disabled in the case that it is reported to be damaged or unsafe for use.**

7           **3. The City has the right to request the temporary removal of all small**  
8 **vehicles from specific locations in the event of emergencies, special events,**  
9 **or regular street maintenance. Removal under such conditions must take**  
10 **place within 24 hours of the request.**

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

16           **5. All small vehicles must comply with safety standards established**  
17 **by the Consumer Product Safety Commission or the American Society for**  
18 **Testing and Materials, and all other applicable federal, state, and city safety**  
19 **standards.**

20           **6. All small vehicles must have, and clearly display, a unique,**  
21 **permanent identification number. Each small vehicle must have a visible**  
22 **customer service phone number.**

23           **7. For all electric-assist small vehicles, the maximum motor-assist**  
24 **speed shall be 15 mph.**

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

29           **Section 3. SEVERABILITY. If any section, paragraph, sentence, clause,**  
30 **word or phrase of this Ordinance is for any reason held to be invalid or**  
31 **unenforceable by any court of competent jurisdiction, such decision shall not**  
32 **affect the validity of the remaining provisions of this Ordinance. The Council**  
33 **hereby declares that it would have passed this Ordinance and each section,**

1 paragraph, sentence, clause, word or phrase thereof irrespective of any  
2 provision being declared unconstitutional or otherwise invalid.

3 Section 4. COMPILATION. Sections 1 and 2 of this ordinance shall be  
4 incorporated in and made part of the Revised Ordinances of Albuquerque, NM,  
5 1994.

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

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1 PASSED AND ADOPTED THIS 1<sup>st</sup> DAY OF October, 2018  
2 BY A VOTE OF: 8 FOR 1 AGAINST.

3  
4 **Against: Benton**

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8 Ken Sanchez, President  
9 City Council

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14 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018

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18 Bill No. C/S O-18-29

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24 Timothy M. Keller, Mayor  
25 City of Albuquerque

26  
27 ATTEST:

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30 Katy Duhigg, City Clerk

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