



City of Albuquerque

Office of the City Clerk

Timothy M. Keller, Mayor

Ethan Watson, City Clerk

Interoffice Memorandum

August 15, 2024

To: CITY COUNCIL

From: Ashley Santistevan, Records Center Manager

Subject: BILL NO. O-24-14; ENACTMENT NO. O-2024-021

I hereby certify that on August 15, 2024, the Office of the City Clerk received Bill No. O-24-14 as signed by the president of the City Council, Dan Lewis. Enactment No. O-2024-021 was passed at the August 5, 2024 City Council meeting. Mayor Keller did not sign the approved Ordinance within the 10 days allowed for his signature and did not exercise his veto power. Pursuant to the Albuquerque City Charter Article XI, Section 3, this Ordinance is in full effect beginning August 20, 2024 without Mayor's approval or signature. This memorandum shall be placed in the permanent file for Bill No. C/S O-24-14.

Sincerely,

Ethan Watson
City Clerk

0-2024-021

**CITY OF ALBUQUERQUE
CITY COUNCIL**

INTEROFFICE MEMORANDUM

TO: Timothy M. Keller, Mayor

FROM: Isaac Padilla, Director of Council Services *YMP For 8/12/24*

SUBJECT: Transmittal of Legislation

Transmitted herewith is Bill No. C/S O-24-14 Amending Portions Of The Traffic Code (Chapter 8) And Open Space Lands And Regional Preserves (Chapter 5) Of The Code Of Ordinances To Define And Regulate Electric-Assisted Bicycles, Also Known As E-Bikes, And Other Personal Motorized Modes Of Transportation (Bassan), which was passed at the Council meeting of August 5, 2024, by a vote of 8 FOR AND 1 AGAINST.

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

Against: Fiebelkorn

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

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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:

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:


30 Ethan Watson, City Clerk

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