



City of Albuquerque

Office of the City Clerk

Timothy M. Keller, Mayor

Katy Duhigg, City Clerk

Interoffice Memorandum

October 8, 2018

To: CITY COUNCIL

From: Camille Cordova, Executive Assistant

Subject: BILL NO. C/S O-18-29; ENACTMENT NO. O-2018-021

I hereby certify that on October 5, 2018, the Office of the City Clerk received Bill No. C/S O-18-29 as signed by the president of the City Council, Ken Sanchez. Enactment No. O-2018-021 was passed at the October 1, 2018 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 without Mayor's approval or signature. This memorandum shall be placed in the permanent file for Bill No. C/S O-18-29.

Sincerely,

Katy Duhigg
City Clerk



CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Office of the Mayor

Timothy M. Keller, Mayor

October 5, 2018

INTER-OFFICE MEMORANDUM

TO: Ken Sanchez, President, City Council

FROM: Timothy M. Keller, Mayor

SUBJECT: C/S Amending The Traffic Code To Implement Minimum Standards For Shared Active Transportation Programs As They Relate To Operation And Maintenance In The Public Right-Of-Way

On October 1, 2018, the City Council passed O-18-29, amending the traffic code to implement minimum standards for shared active transportation programs that utilize modes of transportation such as motorized scooters. The ordinance requires the Administration to develop a regulatory and permitting process that keeps our sidewalks safe for pedestrians and our streets safe for cyclists. Multiple city departments will need to work together to develop rules that keep our residents safe and ensure that operators are held accountable for their products. While the Administration will work diligently to implement the ordinance, the City will not issue permits to operate shared active transportation businesses until appropriate regulations are in place.

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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

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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:

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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).

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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 1st DAY OF October, 2018
2 BY A VOTE OF: 8 FOR 1 AGAINST.

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4 Against: Benton

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9 Ken Sanchez, President
10 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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23 Timothy M. Keller, Mayor
24 City of Albuquerque

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27 ATTEST:

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30 Katy Duhigg, City Clerk

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