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1 **WHEREAS, it is in the City’s best interest for the health, safety, and welfare**
2 **of the community to require shared active transportation programs to comply**
3 **with minimum operational requirements; and**

4 **WHEREAS, many active transportation providers have programs focused**
5 **on equity, giving qualifying populations reduced fair costs and location**
6 **priorities; and**

7 **WHEREAS, it is in the City’s best interest to monitor these programs as**
8 **they exist in the public right-of-way; and**

9 **WHEREAS, many municipalities across the country have determined the**
10 **best way to address shared active transportation programs, providing good**
11 **examples for the City to use; and**

12 **WHEREAS, before per trip costs, Colorado Springs has an annual cost of**
13 **approximately \$39,500 annually for 500 scooters and 50 stations, and**
14 **Albuquerque has an annual cost of approximately \$155,275 annually for 500**
15 **scooters and 2,500 sq ft of station space; and**

16 **WHEREAS, Colorado Springs charges \$75 per device deployed, \$40 per**
17 **station location & \$0.10 per ride for each scooter trip, without an initial**
18 **application fee; and**

19 **WHEREAS, in September of 2019 the National Association of City**
20 **Transportation Officials (NACTO) published Volume 2 of guidelines on how**
21 **municipalities might regulate these programs; and**

22 **WHEREAS, the requirements outlined in this ordinance are based on**
23 **recommendations in the aforementioned NACTO guide.**

24 **BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**
25 **ALBUQUERQUE:**

26 **SECTION 1. The Traffic Code, Chapter 8, Article 5, Part 1, is hereby**
27 **amended as follows:**

28 **“§ 8-3-5-1 APPLICABILITY. When operating within the public right-of-way,**
29 **every entity offering or managing small vehicles as part of shared active**
30 **transportation service, including but not limited to bike-share and electric**
31 **scooter- share programs, must comply with the requirements outlined in this**
32 **section. Equity-focused programming options for vulnerable and underserved**
33 **populations are required. Twenty (20) percent of the fleet’s small vehicles**

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1 must be deployed in Census Tracts with a score of .6-1 in the City's Social
2 Vulnerability Index map.

3 **§ 8-3-5-2 REGISTRATION REQUIRED.** The administration shall create a city-
4 wide permitting process including, but not limited to, the following provisions
5 for shared active transportation entities. Notwithstanding the requirements set
6 forth in this section, the City reserves the right to deny a permit request for
7 any reason.

8 **§ 8-3-5-3 REGISTRATION PROCESS.**

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

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

15 (1) Proof of liability insurance that names the city as an additional
16 insured, and demonstrating minimum coverage as required by the City.

17 (2) The contact information of a locally-based manager or operations
18 staff member who can respond to city requests, emergencies, or other issues
19 at any time.

20 (3) A listing of every location where the shared mobility stations are to
21 be placed, including scaled diagrams, if applicable. Approval from the City
22 must be obtained for each mobility station location. The City reserves the right
23 to deny a location for present and future municipal or safety reasons.

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

29 (1) Each permit application shall be \$4,000.00 annually

30 (2) An annual fee for each station (if applicable), authorized by the City
31 within any city owned property, public space, or right-of-way shall be \$40.00

32 (3) An annual fee per small vehicle in service shall be \$75.00

33 (4) An established \$0.10 per trip fee

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1 **(5) An annual application fee of \$150.00**
2 **All funds collected from subsection 8-3-5-3(C) shall be use for infrastructure**
3 **improvements related to pedestrian and share active transportation movement**
4 **and the City’s costs related to maintenance and oversight of any shared active**
5 **transportation.**

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

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

12 **(2) System data collected by each company shall be provided to the City**
13 **on a regular basis in a format and time schedule as agreed upon by the City.**

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

17 **(E) Each City approval shall be valid for a period of five years, and, upon**
18 **approval of the City, may be renewed in one-year increments, unless**
19 **terminated by the City. The City shall conduct an annual review to ensure**
20 **compliance set forth in § 8-3-5-1. If any company is found to be in violation of**
21 **the provisions set forth in § 8-3-5-1, the City may take appropriate actions,**
22 **including but not limited to revocation of the operating permit.**

23 **(F) It is unlawful for any shared active transportation company to offer or**
24 **manage small vehicles except in conformance with the requirements of these**
25 **§§ 8-3-5-1 et seq. Any violations of these §§ 8-3-5-1 et seq. are subject to the**
26 **penalty provisions of § 1-1-99, and further subject to any other penalties or**
27 **remedies provided by law or in equity.**

28 **(G) All shared active transportation companies will be required to cap all**
29 **small vehicles at 1,000 units within the boundaries of operation in the City.**
30 **§ 8-3-5-4 OPERATIONAL REQUIREMENTS. Entities operating shared active**
31 **transportation programs within the City limits shall comply with the following**
32 **regulations. Non-compliance with these regulations may result in the**
33 **revocation of their permit:**

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

7 (B) Damaged, abandoned, or improperly placed small vehicles in the public
8 right-of-way shall be removed within 24 hours of the local contact being
9 notified of the improper placement. Failure to remove damaged, abandoned, or
10 improperly placed small vehicles shall result in a fine, a minimum of \$250 per
11 small vehicle per day. Every small vehicle must have the ability to be remotely
12 disabled in the case that it is reported to be damaged or unsafe for use.

13 (C) The City has the right to request the temporary removal of all small
14 vehicles from specific locations in the event of emergencies, special events,
15 or regular street maintenance. Removal under such conditions must take
16 place within 24 hours of the request.

17 (D) The City shall have the right, but no obligation, to remove any
18 abandoned, unattended or improperly placed small vehicle that is, in the sole
19 opinion of the City, a safety hazard or an impediment to access ensured by the
20 Americans with Disabilities Act. The City shall have the right to charge a
21 removal and storage fee for any vehicles removed for these reasons.

22 (E) All small vehicles must comply with safety standards established by the
23 Consumer Product Safety Commission or the American Society for Testing
24 and Materials, and all other applicable federal, state, and city safety standards.

25 (F) All small vehicles must have, and clearly display, a unique, permanent
26 identification number. Each small vehicle must have a visible customer
27 service phone number.

28 (G) For all electric-assist small vehicles, the maximum motor-assist speed
29 shall be 15 mph.

30 (H) Each entity must agree in writing to defend, save harmless and indemnify
31 the City and any officer or employee of the City relating to any liabilities that
32 may arise from the entity's operation of its shared active transportation
33 program within the municipal limits.

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1 (I) The shared active transportation operator must provide the City with the
2 geofenced area of operation for approval.

3 (1) At the City's request, operators must geofence special parking
4 zones, special events, and other locations within 48 hours of notice.

5 (2) Operators must comply with geofencing requests to prohibit vehicle
6 use in locations prohibited by the City.

7 (3) Operators shall include an in-app explanation of geofencing, both
8 area designations and the process that is initiated if a user enters a restricted
9 area.

10 (J) The shared active transportation operator shall provide contact
11 information for local, on the ground employee(s) who will be available 24
12 hours per day, seven days a week to monitor the fleet on a daily basis,
13 promptly respond to any issues that may arise, and deal with overall
14 management of the fleet.

15 SECTION 2. The administration is directed to update and operate the active
16 transportation registration process as follows:

17 (A) The administration shall update the existing *Shared Active*
18 *Transportation Program Permit and Agreement* to reflect the changes
19 approved through this Ordinance.

20 (B) The administration shall update the application process within 45 days of
21 the adoption of this ordinance.


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

29 SECTION 4. COMPILATION. Section 1 of this Ordinance shall amend, be
30 incorporated in, and made part of the Revised Ordinances of Albuquerque,
31 NM, 1994.

32 SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect forty-five
33 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 0 AGAINST.

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4 **Excused: Lewis**

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8 _____
9 **Dan Lewis, President**
10 **City Council**


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14 APPROVED THIS 13 DAY OF August, 2024

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18 **Bill No. O-24-23**

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21 _____
22 **Timothy M. Keller, Mayor**
23 **City of Albuquerque**

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26 **ATTEST:**

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28 _____
29 **Ethan Watson, City Clerk**

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