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**SPONSORED BY:**

2 AMENDING THE TRAFFIC CODE AND THE SIDEWALK ORDINANCE TO  
3 IMPROVE PROTECTIONS FOR BICYCLISTS, PEDESTRIANS, AND OTHER  
4 VULNERABLE USERS; AND AMENDING THE AUTOMATED SPEED  
5 ENFORCEMENT ORDINANCE TO DIRECT REVENUE TO VISION ZERO  
6 TRAFFIC SAFETY INITIATIVES.

9       **WHEREAS, best practices with respect to vulnerable road users, including**  
10 **bicyclists and pedestrians, have evolved significantly since the adoption of**  
11 **the City's Traffic Code; and**

15 WHEREAS, in May 2021, the City of Albuquerque released its Vision Zero  
16 Action Plan, which lays out steps that the City, working with agency and  
17 community partners, will take to reduce traffic fatalities and make our streets  
18 more accessible and welcoming to all users; and

22 WHEREAS, the Vision Zero Action Plan YIR for 2023 called for updates to  
23 the City Traffic Code to improve protections for vulnerable road users,  
24 including bicyclists and pedestrians; and

1 WHEREAS, the Vision Zero Action Plan YIR for 2023 recommended the  
2 establishment of a permanent funding source for the Vision Zero program to  
3 plan, design, implement, and maintain transportation infrastructure; and

4 WHEREAS, the Vision Zero Action Plan YIR for 2023 recommended that the  
5 City support ongoing comprehensive educational marketing and engagement  
6 campaigns that address the rate and severity of crashes, promote slower  
7 speeds, and raise general awareness about traffic safety; and

8 WHEREAS, City Council adopted the Citywide Rank 2 Bikeway and Trail  
9 Facilities Plan (2024 BTFP), repealing and replacing the 2015 City of  
10 Albuquerque Bikeways and Trails Facility Plan; and

11 WHEREAS, the 2024 Bikeway and Trail Facilities Plan creates useful and  
12 comfortable connections and encourages more people to choose bicycling as  
13 a mode of transportation, creating a virtuous cycle where drivers become  
14 more cognizant of bicyclists and safety increases; and

15 WHEREAS, the 2024 Bikeway and Trail Facilities Plan is consistent with the  
16 applicable goals and policies of the Albuquerque/Bernalillo County  
17 Comprehensive Plan, Complete Streets Ordinance, Vision Zero Action Plan  
18 Year in Review, Climate Action Plan, and other regional planning documents  
19 and programs; and

20 WHEREAS, page 115 of the 2024 Bikeway and Trail Facilities Plan  
21 recommends, “In partnership with the community and advocates, the City  
22 should reevaluate its existing rules, laws, and policies that impact people  
23 bicycling and walking and investigate if there are opportunities to remove or  
24 improve them in alignment with recent national best practices;” and

25 WHERAS, representatives of the Mayor’s Office, City Council, the  
26 Department of Municipal Development, and the Parks & Recreation  
27 Department met with community members, advocates, and state legislators to  
28 evaluate existing rules, laws, and policies that impact people bicycling and  
29 walking, and to review and discuss proposed changes contained herein.

30 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
31 ALBUQUERQUE:

32 SECTION 1. All occurrences of “he,” “him,” and “his” in ROA 1994 Chapter  
33 8, and Chapter 6, Article 5, and Chapter 7, Article 15 are hereby amended to

1 “they,” “them,” and “their” respectively, and where “he” is amended to “they,”  
2 the verb of that subject is hereby amended to the third person plural, as  
3 necessary.

4 SECTION 2. ROA 1994, Chapter 8, Article 1 General Provisions of the Traffic  
5 Code is amended as follows:

6 § 8-1-1-2 DEFINITIONS.

7 [BIKEWAY. A generic term for any road, street, path or way which in some  
8 manner is specifically designated for bicycle travel, regardless of whether  
9 such facilities are designed for the exclusive use of bicycles or are to be  
10 shared with other transportation modes.

11 **CROSSWALK.** That part of the roadway at an intersection included within the  
12 prolongation or connection of the lateral lines of the sidewalks on opposite  
13 sides of the highway measured from the curbs, or in the absence of curbs,  
14 from the edges of the traversable roadway[, whether marked or unmarked;  
15 or][- A][a]ny portion of a roadway, at an intersection[, multi-use trail crossing,]  
16 or elsewhere, distinctly indicated for [pedestrian][vulnerable road user]  
17 crossing by [signage, traffic control devices, or] lines or other markings on the  
18 surface.

19 [MULTI-USE TRAIL. A separate pathway that is physically separated from  
20 motor vehicle traffic by a buffer or barrier and either within the highway right-  
21 of-way or within an independent right-of-way. Multi-use trails are designated  
22 by signs for use by non-motorized traffic only, including pedestrians,  
23 bicyclists, skaters, scooters, e-bikes or powered micromobility devices,  
24 wheelchair users, joggers, other non-motorized users, and equestrians. Not all  
25 trails may accommodate all of these uses. Most trails are designed for two-  
26 way travel. Trails may be either hard-surface or soft-surface; or paved or  
27 unpaved.]

28 **PEDESTRIAN.** Any person [afœt] [traveling by foot, wheelchair, or  
29 personal assistive mobility device].

30 [PEDESTRIAN HYBRID BEACON (PHB). A traffic control device designed to  
31 help vulnerable road users safely cross higher-speed roadways at midblock  
32 crossings and uncontrolled intersections. The beacon head consists of two  
33 red lenses above a single yellow lens. The lenses remain ”dark“ until a

vulnerable road user desiring to cross the street pushes the call button to activate the beacon, which then initiates a yellow to red lighting sequence consisting of flashing and steady lights that directs motorists and bicyclists in the roadway facing the vehicular signal to slow and come to a stop, and provides the right-of-way to the vulnerable road user to safely cross the roadway in the crosswalk before going dark again.]

[RECTANGULAR RAPID FLASHING BEACONS (RRFB). A traffic control device designed to enhance vulnerable road user conspicuity and increase driver awareness at uncontrolled, marked crosswalks, used in combination with a pedestrian, bicycle, school, or trail crossing warning sign. RRFBs consist of two rectangular-shaped yellow lights that flash with an alternating high frequency when activated.]

**RIGHT OF WAY.** As between two or more vehicles~~[, bicycles, or pedestrians]~~ [and/or vulnerable road users], the privilege of the immediate use of the roadway.

[VULNERABLE ROAD USER. The term “vulnerable road user” includes:

(a) A pedestrian, including those persons actually engaged in work upon a public way, or in work upon utility facilities along a roadway, or engaged in the provision of emergency services within the right-of-way;

(b) A person riding or leading an animal;

(c) A person lawfully operating or riding any of the following on a public way:

(1) Bicycle or tricycle;

(2) A skateboard;

(3) Roller skates;

(4) In-line skates;

(5) A scooter;

(6) An e-bike or powered micromobility device; or

(7) A wheelchair or other personal assistive mobility device.]

#### **§ 8-1-2-22 CROSSWALKS AND SAFETY ZONES.**

The Mayor, or ~~[his]~~[their] designated representative, upon the basis of engineering and traffic study and investigation, is hereby authorized to:

1 (A) Designate and maintain crosswalks by appropriate [traffic control]  
2 devices, [including but not limited to signs,] marks, or lines upon the surface  
3 of the roadway, where, in [his][their] opinion, there is particular danger to  
4 [pedestrians][vulnerable road users] crossing the roadway; and

5 (B) Establish safety zones of such kind and character at such places as  
6 [he][they] may deem necessary for the protection of [pedestrians][vulnerable]  
7 road users].

8 SECTION 3. ROA 1994, Chapter 8, Article 2 Traffic Regulations is amended  
9 as follows:

10 § 8-2-1-23 FAILURE TO KEEP A PROPER LOOKOUT.

11 No person driving a motor vehicle shall fail to give [his][their] full attention  
12 to the task of driving and to keep a proper lookout through [his][their]  
13 windshield, side windows, and rear mirror for any vehicles, motorcycles,  
14 motorscooters, farm tractors, [bicycles, and pedestrians][and vulnerable road  
15 users] that [he][they] may be approaching or who may be approaching  
16 [him][them] from any direction and from any street, alley[,][~~or~~] driveway[,  
17 bikeway, or multi-use trail].

18 § 8-2-1-32 VEHICLES NOT TO OBSTRUCT INTERSECTION.

19 No driver shall enter an intersection or a [marked] crosswalk unless there is  
20 sufficient space on the other side of the intersection or crosswalk to  
21 accommodate the vehicle [he is][they are] operating without obstructing the  
22 passage of other vehicles or [pedestrians][vulnerable road users],  
23 notwithstanding any traffic control signal indication to proceed.

24 § 8-2-1-34 YIELDING RIGHT-OF-WAY.

25 (A) The driver of a vehicle approaching [or entering] an intersection shall  
26 yield the right-of-way to a vehicle [or vulnerable road user] which has entered  
27 the intersection from a different roadway[, multi-use trail, or sidewalk].

28 (B) When two vehicles [enter or] approach an intersection from different  
29 roadways at approximately the same time, the driver of the vehicle on the left  
30 shall yield the right-of-way to the vehicle on the right.

31 (C) The right-of-way rules declared in divisions (A) and (B) are modified at  
32 through roadways and as otherwise provided in this title.

33 § 8-2-1-48 LIMITATIONS ON BACKING.

1 (A) The driver of a vehicle shall not back the same unless such movement  
2 can be made with reasonable safety and without interfering with other traffic  
3 [or vulnerable road users].

4 (B) No vehicle shall be backed into an intersection or around a corner  
5 unless preceded by an observer to safely direct such movement.

6 (C) In no case shall a vehicle be backed more than 60 feet unless preceded  
7 by an observer to safely direct such movement.

8 § 8-2-2-2 TRAFFIC CONTROL LEGEND.

9 Whenever traffic is controlled by traffic control signals exhibiting colored  
10 lights or colored lighted arrows, successively one at a time, or in combination,  
11 only the colors green, yellow and red shall be used, except for special  
12 pedestrian control signals carrying a word legend and the lights indicate and  
13 apply to drivers of vehicles and pedestrians.

14 (A) *Green Alone.*

15 (1) Vehicular traffic facing the signal may proceed straight through or turn  
16 right or left unless a sign at such place prohibits either turn. But vehicular  
17 traffic, including vehicles turning right or left, shall yield the right-of-way to  
18 other vehicles to ~~[bicycles, to pedestrians]~~ [vulnerable road users] lawfully  
19 within the intersection ~~[or an adjacent crosswalk]~~ at the time such signal is  
20 exhibited; and

21 (2) Unless otherwise directed by a pedestrian control signal, ~~[pedestrians]~~  
22 [vulnerable road users] facing the signal may proceed across the street within  
23 any marked or unmarked crosswalk and after entering the intersection shall  
24 ~~[walk as rapidly as possible in order]~~ [proceed in a manner] to clear the  
25 intersection [as quickly as safely possible].

26 (B) *Green with Green Arrow.*

27 (1) Vehicular traffic facing the signal may proceed through the  
28 intersection, make a right turn, or proceed in the direction indicated by the  
29 green arrow, but shall not move in any other direction. Such vehicular traffic  
30 shall yield the right-of-way to other vehicles~~[- to bicycles and pedestrians]~~  
31 [and to vulnerable road users] legally within the intersection at the time the  
32 signal is exhibited; and

(2) Unless otherwise directed by a pedestrian control signal, ~~[pedestrians]~~ [vulnerable road users] facing the green signal may proceed across the street within any marked or unmarked crosswalk and after entering the intersection shall ~~[walk as rapidly as possible in order]~~ [proceed in a manner] to clear the intersection [as quickly as safely possible].

(C) *Green Arrow Alone.*

(1) Traffic, except pedestrians, facing a green arrow, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to [vulnerable road users] ~~[pedestrians]~~ lawfully within ~~[an adjacent]~~ [a] crosswalk and to other traffic lawfully using the intersection; and

(2) Unless otherwise directed by a pedestrian signal, ~~[pedestrians]~~ [vulnerable road users] facing a green arrow may not proceed across the roadway within any marked or unmarked crosswalk until a steady green circular signal is again shown.

(D) *Steady Yellow Arrow or Circular Yellow.*

(1) Traffic~~[, except pedestrians,]~~ facing a circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

(2) No [vulnerable road users] ~~[pedestrians, unless otherwise directed by a pedestrian signal,]~~ facing the signal shall enter the roadway until the green is again shown~~[, unless otherwise directed by a pedestrian signal, and except for bicyclists, operating under the provisions of ROA 1994, Chapter 8, Article 3, Part 3 BICYCLES].~~

(E) *Steady Red.*

(1) Vehicular traffic facing the signal shall stop before entering the [marked or unmarked] crosswalk, on the near side of the intersection, ~~[or if there is no crosswalk, then before entering the intersection]~~ [and] shall remain standing until green is shown. However, if there is no sign prohibiting a right turn on a red light, such vehicle may turn right into the nearest right lane as

1 practicable after standing until the intersection may be entered safely,  
2 provided that such vehicle shall yield the right-of-way to all ~~[pedestrians,~~  
3 ~~bicycles]~~[vulnerable road users] and other vehicles lawfully in or approaching  
4 the intersection.

5 (2) Left Turn on Red Light. When a sign is posted at the intersection  
6 allowing a left turn on a red light, vehicular traffic in the lane closest to the left  
7 curb may turn left into the nearest left lane as practicable after standing until  
8 the intersection may be entered safely, provided that such vehicular traffic  
9 shall yield the right-of-way to all ~~[pedestrians]~~[vulnerable road users] and  
10 vehicles lawfully in or approaching the intersection.

11 (3) ~~[Pedestrians]~~ [Vulnerable Road Users]. No ~~[pedestrians]~~ [vulnerable  
12 road users] facing the signal shall enter the roadway until the green is shown  
13 alone unless authorized to do so by a pedestrian "walk" signal~~[, and except for~~  
14 ~~bicyclists, operating under the provisions of ROA 1994, Chapter 8, Article 3,~~  
15 Part 3 BICYCLES].

16 (F) *Red with Green Arrow.*

17 (1) Vehicular traffic facing the signal may cautiously enter the intersection  
18 only to make the movement indicated by the arrow, but shall yield the right-of-  
19 way to ~~[pedestrians]~~[vulnerable road users] lawfully within a crosswalk and to  
20 other traffic lawfully using the intersection; and

21 (2) No ~~[pedestrians]~~ [vulnerable road user] facing the signal shall enter  
22 the street unless ~~[he]~~[they] can do so safely and without interfering with any  
23 vehicular traffic, and upon entering the intersection, shall ~~[walk as rapidly as~~  
24 ~~possible in order]~~[proceed in a manner] to clear the intersection [as quickly as  
25 safely possible].

26 (G) *Traffic Control Signal not at Intersection.* If an official traffic control  
27 signal is erected and maintained at a place other than an intersection, the  
28 provisions of this section shall apply, except as to those provisions which by  
29 their nature can have no application. Any stop required shall be made at a sign  
30 or marking on the pavement indicating where the stop shall be made, but in  
31 the absence of any such sign or marking, the stop shall be made at the signal.

32 (H) (1) The driver of any vehicle approaching an intersection which has  
33 official traffic control signals that are inoperative shall stop at the intersection,



1 and may proceed with caution when it is safe to do so[, yielding the right-of-  
2 way to vulnerable road users in the roadway].

3 (2) When two vehicles stop at an intersection from different highways at  
4 the same time, and the official traffic control signals for the intersection are  
5 inoperative, the driver of the vehicle on the left shall yield the right-of-way to  
6 the vehicle on [his or her][their] immediate right[ and to vulnerable road users  
7 in the roadway].

8 § 8-2-2-3 PEDESTRIAN CONTROL SIGNAL [, PEDESTRIAN HYBRID  
9 BEACON, AND RECTANGULAR RAPID FLASHING BEACON].

10 [(A)]Whenever special pedestrian control signals exhibiting the words  
11 "WALK" or "DON'T WALK" [or images depicting "WALK" or "DON'T WALK"]  
12 are in place, such signals shall indicate as follows:

13 [(A)][(1)] Steady "WALK." [Pedestrians] [Vulnerable road users] facing such  
14 signal may proceed across the roadway in the direction of the signal and shall  
15 be given the right-of-way by the drivers of all vehicles even if the signal has  
16 changed to a flashing "DON'T WALK" signal; and

17 [(B)][(2)] "DON'T WALK." No [pedestrians] [vulnerable road users] shall  
18 start to cross the roadway in the direction of such signal, but any [pedestrian]  
19 [vulnerable road user] who has partially completed [his][their] crossing on the  
20 "WALK" signal shall [walk] [proceed] as rapidly as [safely] possible [to a  
21 sidewalk or safety zone][across the roadway].

22 [(B) PEDESTRIAN HYBRID BEACON (PHB).

23 (1) Signal for vehicles.

24 (a) When not in use, the signal for vehicles is dark. Operators of  
25 vehicles and bicycles traveling in the roadway facing the signal may proceed  
26 straight through or turn right or left, unless a sign or physical barrier at such  
27 place prohibits either turn. But vehicular and bicycle traffic, including  
28 vehicles and bicycles turning right or left, shall yield the right-of-way to  
29 vulnerable road users within the intersection at the time such signal is  
30 exhibited.

31 (b) When the push-button has been activated, the signal for vehicles will  
32 flash yellow for several seconds to alert drivers that the vehicular signal will  
33 turn red soon, and a vulnerable road user is going to cross. Motorists and

bicyclists traveling in the roadway facing the signal may proceed but should be prepared to stop in case the vulnerable road user begins crossing prematurely.

(c) When the signal for vehicles is steady yellow, the signal is about to change to red. Motorists and bicyclists traveling in the roadway facing the signal shall slow and stop if able to do so safely.

(d) When the signal for vehicles is two steady red lights, all vehicles and bicyclists traveling in the roadway facing the signal must stop and remain stopped.

(e) When the signal for vehicles is two alternating flashing red lights, vehicles must stop, then may proceed with caution if the crosswalk is clear of vulnerable road users; bicyclists traveling in the roadway facing the signal shall yield to vulnerable road users in the crosswalk.

(2) Signal for vulnerable road users using crosswalk.

(a) Steady "WALK." Vulnerable road users facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the operators of all vehicles and bicycles traveling in the roadway, even if the signal has changed to a flashing "DON'T WALK" signal.

(b) "DON'T WALK." No vulnerable road users shall start to cross the roadway in the direction of such signal, but any vulnerable road user who has partially completed their crossing on the "WALK" signal shall proceed as rapidly as safely possible across the roadway.

(C) RECTANGULAR RAPID FLASHING BEACONS (RRFB).

(1) When the lights are flashing, the operator of a vehicle or bicycle traveling in the roadway facing the signal shall stop to yield the right-of-way to vulnerable road users in the crosswalk when the vulnerable road user is upon the half of the roadway upon which the vehicle is traveling, or when the vulnerable road user is approaching so closely from the opposite half of the roadway as to be in danger.

(2) No vulnerable road user shall suddenly leave a curb or other place of safety and proceed into the path of a vehicle or bicyclist traveling in the roadway which is so close that it is impossible for the operator to stop.

1 (3) Whenever a vehicle is stopped to permit a vulnerable road user to cross  
2 the roadway in a crosswalk, the operator of a vehicle or bicyclist traveling in  
3 the roadway approaching from the rear shall not overtake and pass such  
4 vehicle.

5 § 8-2-2-4 FLASHING SIGNALS.

6 (A) Whenever an illuminated flashing red or yellow signal is used in a traffic  
7 sign or signal, it shall require obedience by vehicular traffic as follows:

8 (1) Flashing Red (Stop Signal). When a red lens is illuminated with  
9 intermittent flashes, drivers of vehicles shall stop before entering the nearest  
10 crosswalk at an intersection or at a limit line when marked, or if none, then  
11 before entering the intersection, and the right to proceed shall be subject to  
12 the rule applicable after making a stop at a stop sign[, yielding to vulnerable  
13 road users];

14 (2) Flashing Yellow (Caution Signal). When a yellow lens is illuminated  
15 with intermittent flashes, drivers of vehicles may proceed through the  
16 intersection or past such signal with caution[, yielding to vulnerable road  
17 users].

18 (B) This section shall not apply at railroad grade crossings. Conduct of  
19 drivers approaching railroad grade crossings shall be governed by the rules  
20 set forth in Part 8 of this Article 2.

21 § 8-2-2-5 STOP SIGNS.

22 (A) *Stop*. Except when directed to proceed by a police officer [~~or other~~  
23 individual with authority under law to direct, control, or regulate traffic], every  
24 driver of a vehicle approaching a stop sign shall stop before entering the  
25 crosswalk on the near side of the intersection, or, in the event there is no  
26 crosswalk, shall stop at a clearly marked line, but if none, then at the point  
27 nearest the intersecting roadway where the driver has a view of approaching  
28 traffic before entering the intersection.

29 (B) *Yield Right-of-Way After Stopping*. Except when directed to proceed by  
30 a police officer [~~or other individual with authority under law to direct, control,~~  
31 or regulate traffic], every driver of a vehicle approaching a stop intersection  
32 indicated by a stop sign shall stop as required by division (A) above and, after  
33 having stopped, shall yield the right-of-way [~~to vulnerable road users and~~] to

1 any vehicle which has entered the intersection from another street or which is  
2 approaching so closely on the street as to constitute an immediate hazard  
3 during the time when the driver is moving across or within the intersection.

4 § 8-2-2-6 YIELD SIGNS.

5 The driver of a vehicle, approaching a "YIELD" sign, shall slow to a  
6 reasonable speed for existing conditions of traffic, visibility and roadway  
7 surface condition, yielding right-of-way to [vulnerable road users and] all  
8 vehicles on the intersecting street which constitutes an immediate hazard. The  
9 driver of a vehicle who proceeds past any "YIELD" sign facing such  
10 [vulnerable road user or] vehicle and who collides with a [vulnerable road user  
11 or] vehicle proceeding on the intersecting street shall be deemed *prima*  
12 *facie* to have violated the provisions of this title.

13 § 8-2-3-1 WHEN DANGEROUS TO PROCEED FORWARD.

14 The operator of any bicycle or motor vehicle shall stop ~~[his]~~[their] bicycle or  
15 motor vehicle if possible when either a ~~[pedestrian, other bicycle]~~ [vulnerable  
16 road user is in the roadway] or motor vehicle is stopped in the roadway  
17 immediately ahead and a collision would occur if the operator does not stop,  
18 or road and weather conditions are such that the operator's safety, the safety  
19 of any other person, or any property is endangered if the operator does not  
20 stop.

21 § 8-2-3-2 WHEN EMERGING FROM ALLEY, DRIVEWAY, PRIVATE ROAD AND  
22 THE LIKE.

23 The driver of a vehicle emerging from an alley, a driveway, a private road, a  
24 building or open land shall stop such vehicle immediately prior to driving  
25 either onto the sidewalk or any sidewalk area, yielding the right-of-way to any  
26 ~~[pedestrian]~~ [vulnerable road user] as may be necessary to avoid collision,  
27 and before and upon entering the roadway shall yield the right-of-way to all  
28 vehicles, ~~[bicycles]~~ [vulnerable road users,] or animals approaching on the  
29 roadway.

30 § 8-2-3-3 KEEPING INTERSECTION UNOBSTRUCTED.

31 No driver shall enter an intersection or a ~~[marked]~~ crosswalk unless there is  
32 sufficient space on the outer side of the intersection or crosswalk to  
33 accommodate the vehicle ~~[he is]~~[they are] operating without obstructing the

1 passage of other vehicles or ~~[pedestrians]~~ [vulnerable road users] even  
2 though a traffic control signal indicates ~~[he]~~[they] may proceed.

3 § 8-2-3-4 STOP FOR ~~[BLIND OR HANDICAPPED]~~[VISUALLY IMPAIRED  
4 PERSON].

5 Whenever a pedestrian, guided by a guide dog or carrying in a raised or  
6 extended position a cane or walking stick which is white in color or white  
7 tipped with red, is crossing or attempting to cross a public way [at a marked or  
8 unmarked crosswalk], the driver of every vehicle approaching the intersection  
9 or place where such pedestrian is attempting to cross, shall bring ~~[his]~~[their]  
10 vehicle to a full stop before arriving at such intersection or place of crossing,  
11 and before proceeding shall take such precautions as may be necessary to  
12 avoid injuring such pedestrian.

13 § 8-2-3-6 ~~[PEDESTRIAN]~~[VULNERABLE ROAD USER] IN CROSSWALK.

14 (A) ~~[In the absence of operating traffic controls at an intersection]~~[When  
15 traffic control devices are not in place or not in operation], the operator of a  
16 bicycle [traveling in the roadway] or vehicle shall ~~[slow down or]~~stop to yield  
17 the right-of-way to a ~~[pedestrian]~~ [vulnerable road user] in a marked or  
18 unmarked crosswalk. However, no ~~[pedestrian]~~ [vulnerable road user] shall  
19 suddenly leave a curb or other place of safety and ~~[walk or run]~~[proceed] into  
20 the path of a vehicle [or bicycle traveling in the roadway] which is so close  
21 that it is impossible for the ~~[driver]~~[operator] to stop ~~[or yield]~~.

22 (B) Whenever a vehicle is stopped at a marked or unmarked crosswalk ~~[at~~  
23 ~~an intersection]~~ to permit a ~~[pedestrian]~~[vulnerable road user] to cross the  
24 roadway, the ~~[driver]~~[operator] of ~~[the]~~[a] vehicle [or bicycle traveling in the  
25 roadway] approaching from the rear shall not overtake and pass such vehicle.

26 [(C) A person on a bicycle, tricycle, skateboard, skates, scooter, e-bike or  
27 powered micromobility device upon or along a sidewalk or while crossing a  
28 roadway in a crosswalk shall have the rights and duties applicable to a  
29 pedestrian under the same circumstances, provided that:

30 (1) The cyclist, skater, scooter operator, e-bike or powered micromobility  
31 device operator yields to pedestrians on the sidewalk or crosswalk; and

32 (2) Use of a bicycle, tricycle, skateboard, skates, scooter, e-bike or powered  
33 micromobility device on the sidewalk is permitted.]

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§ 8-2-6-10 U-TURN.

No vehicle shall be driven so as to make a U-turn, that is, turned so as to proceed in the opposite direction, unless the U-turn can be made in safety and without interfering with any other traffic [or vulnerable road user], and there is no sign so prohibiting a U-turn.

§ 8-2-7-3 RIGHT-OF-WAY IN CROSSWALK.

(A) When traffic control ~~[devices]~~[signals] are not in place or not in operation the ~~[driver]~~[operator] of a vehicle [or bicycle traveling in the roadway] shall [stop to]yield the right-of-way~~[- slowing down or stopping if need be to so yield,]~~ to a ~~[pedestrian]~~ [vulnerable road user] crossing the roadway within a marked or unmarked crosswalk when the ~~[pedestrian]~~ [vulnerable road user] is upon the half of the roadway upon which the vehicle is traveling, or when the ~~[pedestrian]~~ [vulnerable road user] is approaching so closely from the opposite half of the roadway as to be in danger.

(B) No ~~[pedestrian]~~ [vulnerable road user] shall suddenly leave a curb or other place of safety and ~~[walk or run]~~[proceed] into the path of a vehicle [or bicycle traveling in the roadway] which is so close that it is impossible for the ~~[driver]~~[operator] to [stop]~~[yield]~~.

(C) Whenever any vehicle is stopped at a ~~[marked]~~ crosswalk or at any ~~[unmarked]~~ intersection to permit a ~~[pedestrian]~~ [vulnerable road user] to cross the roadway, the ~~[driver]~~[operator] of any other vehicle [or bicycle traveling in the roadway] approaching from the rear shall not overtake and pass such stopped vehicle.

~~[(D) Division (A) above shall not apply under the conditions stated in § 8-2-7-4.]~~

[(D) A person on a bicycle, tricycle, skateboard, skates, scooter, e-bike or powered micromobility device upon or along a sidewalk or while crossing a roadway in a crosswalk shall have the rights and duties applicable to a pedestrian under the same circumstances, provided that:

(1) The cyclist, skater, scooter operator, e-bike or powered micromobility device operator yields to pedestrians on the sidewalk or crosswalk; and

(2) Use of a bicycle, tricycle, skateboard, skates, scooter, e-bike or powered micromobility device on the sidewalk is permitted.

§ 8-2-7-9 PROHIBITED ~~[PEDESTRIAN]~~[VULNERABLE ROAD USER]  
CROSSINGS.

(A) [Vulnerable road users shall not cross a roadway at any place except in a crosswalk, except for bicyclists operating under the provisions of ROA 1994, Chapter 8, Article 3, Part 3 BICYCLES.]~~[No pedestrian shall cross between adjacent intersections at which traffic control signals are in operation. Pedestrians shall not cross at any place except in a crosswalk.]~~

(B) [Vulnerable road users shall not cross at an unmarked, uncontrolled, unsigned crosswalk or intersection where at one of the the next two adjacent crosswalks or intersections traffic control devices, signs, or lines or marking are present.]~~[No pedestrian shall cross a roadway other than in a crosswalk in any business district.~~

~~—(C) No pedestrian shall cross a roadway other than in a crosswalk upon any through street.~~

~~—(D) No pedestrian shall cross a controlled access roadway.]~~

§ 8-2-7-11 OBEDIENCE TO RAILROAD SIGNALS.

No ~~[pedestrian]~~ [vulnerable road user] shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or being opened or closed.

§ 8-2-7-12 DRIVERS TO EXERCISE DUE CARE.

Notwithstanding the foregoing provisions of this article, every driver of a vehicle shall exercise due care to avoid colliding with a ~~[pedestrian]~~ [vulnerable road user] upon a roadway [in all circumstances] and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing [any vulnerable road user or] a child or a confused or incapacitated person upon a roadway.

SECTION 4. ROA 1994, Chapter 8, Article 3, Part 3 Bicycles is amended as follows:

§ 8-3-3-1 JURISDICTION.

The regulations in §§ 8-3-3-1 et seq. shall be applicable whenever a bicycle, e-bikes, or powered micromobility devices is operated on any municipal

1 ~~[paved or dirt path or roadway]~~[bikeway or multi-use trail] set aside for the  
2 exclusive use of bicycles, e-bikes, or powered micromobility devices or set  
3 aside for use of bicycles, e-bikes, or powered micromobility devices with  
4 pedestrians, motorcycles and/or horseback riders and shall also be applicable  
5 to all streets, parking lots and the like, regardless of road surfaces covered by  
6 § 8-1-3-2. Provisions listed in this Article 3 as applicable to bicycles are  
7 equally applicable to e-bikes and powered micromobility devices.

8 § 8-3-3-4 TRAFFIC REGULATIONS APPLY.

9 (A) Operators of bicycles have the same rights as operators of automobiles  
10 in the use of streets, highways and roadways within the city, except as  
11 otherwise specifically provided herein [and in Chapter 8, Article 2].

12 § 8-3-3-5 OBEDIENCE TO TRAFFIC CONTROL DEVICES.

13 (A) Any person operating a bicycle shall obey the instructions of official  
14 traffic control signals, signs, and other control devices applicable to vehicles,  
15 unless otherwise directed by a police officer~~[-]~~ [or other individual with  
16 authority under law to direct, control, or regulate traffic, or as follows:

17 (1) Except when directed to proceed by a police officer or other individual  
18 with authority under law to direct, control, or regulate traffic, every person  
19 riding a bicycle and approaching a stop intersection indicated by a red traffic  
20 control signal shall stop before entering the crosswalk on the near side of the  
21 intersection or, in the event there is no crosswalk, shall stop at a clearly  
22 marked stop line, but if none, then at the point nearest the intersecting  
23 roadway before entering the intersection. After stopping, if there is no  
24 approaching vulnerable road user or vehicle traffic with the right of way, the  
25 person riding a bicycle may proceed through the intersection without waiting  
26 for the traffic control signal to turn green.

27 (2) Except when directed to proceed by a police officer or other individual  
28 with authority under law to direct, control, or regulate traffic, every person  
29 riding a bicycle and approaching an intersection with a stop sign or a yield  
30 sign, if there is no approaching vulnerable road user or vehicle traffic with the  
31 right of way, the person riding a bicycle may proceed through the intersection  
32 without stopping. If required for safety to stop, the person riding a bicycle  
33 shall stop before entering the crosswalk on the near side of the intersection



1 or, in the event there is no crosswalk, at a clearly marked stop line, but if none,  
2 then at the point nearest the intersecting roadway where the person riding a  
3 bicycle has a view of approaching traffic on the intersecting roadway.]

4 (B) Whenever authorized signs are erected indicating that no right or left or  
5 U-turn is permitted, no person operating a bicycle shall disobey the direction  
6 of any such sign, except where such person dismounts from the bicycle to  
7 make such turn, in which event such person shall then obey the regulations  
8 applicable to pedestrians.

9 (C) Any person operating a bicycle, e-bike, or powered micromobility  
10 device on a street or controlled access roadway is responsible for using due  
11 care in the operation of their vehicle and or device.

12 § 8-3-3-7 OPERATION IN BICYCLE LANE.

13 Where the bicycle lane provides a minimum of four feet of ride-able space or  
14 once a bicyclist has entered a bicycle lane, bicyclist shall endeavor to  
15 maintain the lane except:

16 (A) At intersections;

17 (B) To pass a slower [~~bicyclist~~][vulnerable road user], or to avoid parked  
18 cars or obstacles;

19 (C) A bicyclist may leave the bicycle lane between intersections in order to  
20 make a U-turn, or left hand turn where such a turn is permissible for vehicular  
21 traffic, or to turn into driveways;

22 (D) When leaving a bicycle lane, the bicyclist shall use caution and yield the  
23 right-of-way to vehicles [~~and other vulnerable road users~~].

24 § 8-3-3-8 DIRECTION OF TRAVEL IN [~~BICYCLE LANE~~][BIKEWAY].

25 No person shall ride or operate a bicycle within a [~~bicycle lane~~][bikeway] or  
26 on the roadway in any direction except that permitted of vehicular traffic  
27 traveling on the same side of the roadway; provided, that bicycles may  
28 proceed either way along a lane where two-way bicycle traffic is so  
29 designated.

30 § 8-3-3-10 DUTY OF MOTORIST TO [~~BICYCLIST~~][VULNERABLE ROAD USER].

31 (A) In approaching or passing a [~~person on a bicycle~~][vulnerable road user],  
32 every person operating a motor vehicle shall proceed with caution and shall  
33 pass such [~~bicyclist~~][vulnerable road user] at a reasonable speed and keep a

1 safe distance from ~~[him]~~[them]; provided however, in no event shall a distance  
2 of less than five feet be considered a safe distance within the meaning of this  
3 division.

4 (B) No person operating a motor vehicle shall harass or endanger a  
5 ~~[bicyclist]~~[vulnerable road user].

6 [(C) The operator of a motor vehicle shall stop for a vulnerable road user  
7 crossing the roadway within a marked or unmarked crosswalk when the  
8 vulnerable road user is upon the half of the roadway upon which the vehicle is  
9 traveling, or when the vulnerable road user is approaching so closely from the  
10 opposite half of the roadway as to be in danger.

11 (D) Whenever any vehicle is stopped at a crosswalk or at any intersection  
12 to permit a vulnerable road user to cross the roadway, the operator of any  
13 other vehicle approaching from the rear shall not overtake and pass such  
14 stopped vehicle.]

15 § 8-3-3-12 MOTORIST TURNING ACROSS ~~[BICYCLE LANE]~~[BIKEWAY OR  
16 MULTI-USE TRAIL].

17 (A) Whenever a motorist is turning across a ~~[bicycle lane or path]~~[bikeway or  
18 multi-use trail], such motorist shall maintain a proper lookout for ~~[bicyclists]~~  
19 [vulnerable road users] and shall yield the right-of-way to any  
20 ~~[bicyclist]~~[vulnerable road user] traveling in a ~~[bicycle lane or path]~~[bikeway]  
21 or [multi-use trail] and, prior to turning right, shall merge, if practicable [and  
22 not otherwise prohibited by signage or pavement markings], into the ~~[bicycle~~  
23 lane][bikeway] to ~~[his]~~[their] right, if any, before the start of the turning  
24 movement.

25 (B) Nothing in this section shall be deemed to relieve the motorist of duties  
26 imposed by § 8-2-2-2, in particular, but not limited to, § 8-2-2-2(A)(1), (B)(1) and  
27 (E)(1).

28 § 8-3-3-13 DRIVING VEHICLE ON OR ACROSS BICYCLE LANE OR  
29 [PATH][MULTI-USE TRAIL].

30 No person shall drive or operate a motor vehicle upon or across a bicycle  
31 ~~[path or]~~ lane [or multi-use trail] except to cross such ~~[path or]~~ lane [or multi-  
32 use trail] when turning as permitted in § 8-3-3-12, to park such vehicle[, where  
33 parking is permitted], or to leave a parking space. No person shall drive upon

1 or across a bicycle lane or ~~[path]~~[multi-use trail] as permitted by this section  
2 except after giving the right-of-way to all ~~[bicycles]~~ [vulnerable road users]  
3 within the lane or path.

4 § 8-3-3-15 RIDING BICYCLE ON SIDEWALK.

5 (A) Bicyclists shall not ride upon a sidewalk when there is a ~~[wide-right~~  
6 ~~lane, bike lane, or bike trail]~~[bikeway or multi-use trail] adjacent to the  
7 direction of travel, or when signs are posted prohibiting bicycles on the  
8 sidewalk, or when within a business district. When riding on a sidewalk, a  
9 bicyclist is subject to the laws that apply to pedestrians.

10 (B) If a bicyclist dismounts, the bicyclist is subject to the laws that apply to  
11 pedestrians.

12 (C) Whenever a person must ride a bicycle upon a sidewalk, such person  
13 shall ride slowly, shall yield the right-of-way to any pedestrian, shall overtake  
14 on the left, and shall give an audible signal before attempting to overtake and  
15 pass such pedestrian, and shall only ride on the sidewalk on the right hand  
16 side of the street, moving with the directional flow of the motor vehicle traffic.

17 SECTION 5. ROA1994, Chapter 8, Article 5 Stopping, Standing, and Parking  
18 is amended as follows:

19 § 8-5-1-1 STOPPING, STANDING OR PARKING PROHIBITED NO SIGNS  
20 REQUIRED.

21 No person shall stop, stand or park a vehicle except when necessary to  
22 avoid conflict with other traffic or in compliance with law or the directions of a  
23 police officer [or other individual with authority under law to direct, control, or  
24 regulate traffic,] or traffic control device, in any of the following places:

25 (A) Next to a curb which is painted either yellow or red.

26 (B) On a sidewalk.

27 (C) Within three feet of a public or private driveway.

28 (D) Within an intersection.

29 (E) Within 15 feet of a fire hydrant.

30 (F) On a crosswalk or within ~~[ten]~~[50] feet of a crosswalk ~~[at an intersection]~~  
31 [unless the Mayor or their designated representative has specifically, by  
32 markings, signs, or parking meters, indicated parking to be permitted].

1 (G) Within 30 feet of the approach to any flashing beacon, stop sign, yield  
2 sign, or traffic control signal located at the side of a roadway, unless the  
3 Mayor or ~~his~~their designated representative has specifically, by markings  
4 or by parking meters, indicated parking to be permitted.

5 (H) Between a safety zone and the adjacent curb, or within 30 feet of points  
6 on the curb immediately opposite the ends of a safety zone, unless the Mayor  
7 or ~~his~~their designated representative has indicated a different length by  
8 signs or markings.

9 (I) Within 50 feet of the nearest rail of a railroad crossing.

10 (J) Within 20 feet of the driveway entrance to any fire station and on the  
11 side of a street opposite the entrance to any fire station within 75 feet of said  
12 entrance (when properly sign-posted).

13 (K) Alongside or opposite any street excavation or obstruction when  
14 stopping, standing or parking would obstruct traffic.

15 (L) On the roadway side of any vehicle stopped or parked at the edge or  
16 curb of a street.

17 (M) Upon any bridge or other elevated structure upon a roadway or within a  
18 roadway tunnel.

19 (N) Between the curb or edge of the roadway and the sidewalk.

20 (O) In a bicycle lane.

21 [(P) On a multi-use trail.]

22 SECTION 6. ROA 1994, Chapter 6, Article 5 the Sidewalk, Drive Pad, Curb  
23 and Gutter Ordinance is amended as follows:

24 § 6-5-5-4 DEFINITIONS.

25 For the purpose of §§ 6-5-5-1 et seq., the following definitions shall apply  
26 unless the context clearly indicates or requires a different meaning.

27 **CROSSWALK.** [That part of the roadway at an intersection included  
28 within the prolongation or connection of the lateral lines of the sidewalks on  
29 opposite sides of the highway measured from the curbs, or in the absence of  
30 curbs, from the edges of the traversable roadway, whether marked or  
31 unmarked; or any portion of a roadway, at an intersection, multi-use trail  
32 crossing, or elsewhere, distinctly indicated for vulnerable road user crossing  
33 by signage, traffic control devices, or lines or other markings on the surface.]

~~[(1) That part of the streets at an intersection which is a prolongation or continuation of the lateral lines of the sidewalk on opposite sides of the street measured from the curbs, or in the absence of curbs, from the edge of the transversible street and/or;~~

~~—(2) Any portion of a street, at an intersection or elsewhere, distinctly indicated as a pedestrian crossing by line or other surface markings.]~~

**PEDESTRIAN.** Any person ~~[afoot or in a wheel chair or other similar device]~~  
[traveling by foot, wheelchair, or personal assistive mobility device].

**[VULNERABLE ROAD USER.** The term “vulnerable road user” includes:

**(a) A pedestrian, including those persons actually engaged in work upon a public way, or in work upon utility facilities along a highway, or engaged in the provision of emergency services within the right-of-way;**

**(b) A person riding or leading an animal;**

**(c) A person lawfully operating or riding any of the following on a public way:**

**(1) Bicycle or tricycle;**

**(2) A skateboard;**

**(3) Roller skates;**

**(4) In-line skates;**

**(5) A scooter;**

**(6) An e-bike or powered micromobility device; or**

**(7) A wheelchair or other personal assistive mobility device.]**

**SECTION 7. ROA 1994, Chapter 7, Article 15 the Automated Speed Enforcement Ordinance (ASE) is amended as follows:**

**§ 7-15-5 ADMINISTRATION.**

**(A) The Albuquerque Police Department and the Department of Municipal Development shall be responsible for administration of this article. Reasonable rules and regulations may be promulgated by the Mayor or the Mayor's designee to carry out the intent and purpose of this article.**

**(B) The revenue generated through ASE shall be retained and distributed in accordance with the provisions of Section 3-18-17(A)(2) NMSA 1978 (2009).**

1 [(1) The revenue generated to the City of Albuquerque through ASE  
2 shall be used for Vision Zero Traffic Safety Initiatives.]

3 (C) The contractor hired to aid in the administration of this program will  
4 not be compensated based on the number of citations issued. The contractor  
5 shall be compensated by a flat fee.

6 (D) An independent third-party lab shall perform a calibration test on the  
7 CSD instruments used for speed detection at least annually.

8 SECTION 8. SEVERABILITY. If any section, paragraph, sentence, clause,  
9 word or phrase of this Ordinance is for any reason held to be invalid or  
10 unenforceable by any court of competent jurisdiction, such decision shall not  
11 affect the validity of the remaining provisions of this Ordinance. The Council  
12 hereby declares that it would have passed this Ordinance and each section,  
13 paragraph, sentence, clause, word or phrase thereof irrespective of any  
14 provision being declared unconstitutional or otherwise invalid.

15 SECTION 9. COMPILATION. SECTIONS 1-7 of this Ordinance amends, is  
16 incorporated in, and is to be compiled as part of the Revised Ordinances of  
17 Albuquerque, New Mexico, 1994.

18 SECTION 10. EFFECTIVE DATE. This Ordinance takes effect five days after  
19 publication by title and general summary.  
20  
21  
22  
23