



AGENDA

BICYCLE AND PEDESTRIAN
ADVISORY COMMITTEE
SEPTEMBER 09, 2021
5:30 PM
ATTEND VIRTUALLY

SPECIAL PROCEDURES FOR BICYCLES PEDESTRIANS ADVISORY COMMITTEE MEETING

Attendance: In response to the State's declaration of a Public Health Emergency, the Mayor's Proclamation of Emergency, and the ban on public gatherings in excess of those permitted in the current Public Health Order, the Bicycles Pedestrians Advisory Committee meeting will be conducted virtually.

Attend Virtually: On Zoom, go to <https://santafenm-gov.zoom.us/j/92806462223?pwd=ZHIWT1J3a1F4ZnhMK3RRNUhuSTINZz09>

Passcode: 190034

By Phone: **Dial 669 900 6833 – 190034**

The agenda and packet for the meeting will be posted at <https://santafe.primegov.com/public/portal>.

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF AGENDA**
4. **APPROVAL OF MINUTES**
 - a. August 12, 2021
5. **COMMUNICATIONS FROM THE PUBLIC**
6. **COMMUNICATIONS FROM OTHER AGENCIES**
 - a. Santa Fe Metropolitan Planning Organization (Erick Aune, AICP, SFMPO Officer)
 - b. Santa Fe Conservation Trust (Tim Rogers, Trails Manager)
7. **DISCUSSION AND POSSIBLE ACTION ITEMS**



AGENDA

**BICYCLE AND PEDESTRIAN
ADVISORY COMMITTEE
SEPTEMBER 09, 2021
5:30 PM
ATTEND VIRTUALLY**

- a. Introductions (Yolanda Eisenstein, Terence Foreback, Michelle Hoffman)
- b. Request to Re-name and Re-purpose 2 BPAC Sub-committees:
 1. Planning and Funding to Technical Review Subcommittee
 2. Law and Policy to Planning and Policy(Romella Glorioso-Moss, BPAC Staff Liaison)
- c. Appointments:
 1. BPAC Subcommittee: Planning & Funding or Technical Review (depending on the action taken on previous Agenda Item #)
 - Terence Foreback, PE (Chair, BPAC Member)
 - Tony Gerlicz (BPAC Member)
 - Michelle Hoffman (BPAC Member)
 - Ben Pingilley (BPAC Member)
 - Tim Rogers (Public)
 2. Public Safety Committee
 - Khalil Spencer (BPAC Vice Chair)
 3. Safe Route to School Project Planning Committee
- d. Request to Install Bicycle Striping on Calle Mejia (Nick Stofocik, The Reserve at Santa Fe General Manager with Erick Aune, SFMPO Officer)
- e. Consideration of a Resolution Regarding Maintenance and Installation of On-Road Bicycle and Pedestrian Facilities (Judith Gabrielle, Promotion, Education and Programming Subcommittee Chair)
- f. Consideration of Amending Various Sections of the Uniform Traffic Ordinance Related to Bicycling (E-Bikes Task Force: Yolanda Eisenstein, Judith Gabriele, Gary Schiffmiller, and Khal Spencer)
- g. BPAC Presentation to the Governing Body (Judith Gabriele, Promotions, Education and Programming Subcommittee Chair)
- h. Staff Liaison Report



AGENDA

**BICYCLE AND PEDESTRIAN
ADVISORY COMMITTEE
SEPTEMBER 09, 2021
5:30 PM
ATTEND VIRTUALLY**

8. **MATTERS FROM STAFF**
9. **MATTERS FROM THE COMMITTEE**
10. **MATTERS FROM THE CHAIR**
11. **NEXT MEETING: Thursday, October 14, 2021**
12. **ADJOURN**

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6521, five (5) working days prior to meeting date.



MINUTES

BICYCLE AND PEDESTRIAN
ADVISORY COMMITTEE
AUGUST 12, 2021
5:30 PM
VIRTUAL MEETING

1. CALL TO ORDER

The meeting was called to order by Chair Michael Garcia at 5:33 PM.

2. ROLL CALL

Members Present:

Councilor Michael Garcia
Member Judith Gabriele
Member Tony Gerlicz
Member Phil Lucero
Member Ben Pingilley
Member Khal Spencer

Members Excused:

Member Yolanda Eisenstein
Member Terence Foreback
Member Michelle Hoffman

Others Attending:

Romella Glorioso-Moss, Project Administrator

3. APPROVAL OF AGENDA

MOTION: Member Spencer moved, seconded by Member Gerlicz, to approve the Agenda as presented.

VOTE: The motion was on the following Roll Call vote:

For: Councilor Garcia, Member Spencer, Member Gabriele, Member Gerlicz, Member Pingilley, Member Lucero

Against: None

Abstain: None

4. APPROVAL OF MINUTES



MINUTES

BICYCLE AND PEDESTRIAN
ADVISORY COMMITTEE
AUGUST 12, 2021
5:30 PM
VIRTUAL MEETING

- a. July 8, 2021

MOTION: Member Gabriele moved, seconded by Member Spencer, to approve the Minutes of July 8, 2021 as presented.

VOTE: The motion was on the following Roll Call vote:

For: Councilor Garcia, Member Spencer, Member Gabriele, Member Gerlicz, Member Pingilley, Member Lucero

Against: None

Abstain: None

5. **COMMUNICATIONS FROM THE PUBLIC**

6. **SUBCOMMITTEE COMMUNICATIONS**

7. **COMMUNICATIONS FROM OTHER AGENCIES**

- a. Santa Fe Metropolitan Planning Organization (Erick Aune, AICP, SFMPO Officer). Please see attached slide presentation.

DISCUSSION:

Staff Liaison informed the members that in early January 2020, she did a cost estimate for installing sidewalks on both sides of Pacheco St. Her estimate was \$300,000. The Supervisor Engineer at the time said that the budget was only \$150,000 so the project was put on the back burner.

Chair Garcia mentioned that this project was funded via Legislative Funding last year for \$300,000.

Staff Liaison said she will confirm the funding with the City's Grant Manager.

- b. Santa Fe Conservation Trust (Tim Rogers, Trails Program Manager)

8. **SUBCOMMITTEE COMMUNICATIONS**

- a. Introductions
a) Chair Michael Garcia
b) BPAC Members



MINUTES

BICYCLE AND PEDESTRIAN
ADVISORY COMMITTEE
AUGUST 12, 2021
5:30 PM
VIRTUAL MEETING

- c) Staff Liaison
- b. Appointments:
 - 1) BPAC Sub-Committees
 - a) Law and Policy (Chair: Yolanda Eisenstein)
 - b) Planning and Funding (Chair: Vacant)
 - c) Promotion, Education and Programming (Chair: Judith Gabriele)
 - 2) Public Safety Advisory Committee

Chair asked all members to email him with a cc to Staff Liaison which subcommittee they wish to join and he will appoint them at the next meeting.

Needs volunteers to represent BPAC to: 1) Public Safety Committee; and 2) SRTS Planning Committee.

- c. Promotion, Education and Programming Sub-Committee Policy Recommendations: *Maintenance and Installation of On-Road Bicycle and Pedestrian Facilities* (Judith Gabriele, PEP Chair)
- d. E-bikes Task Force Recommendations (Khal Spencer)

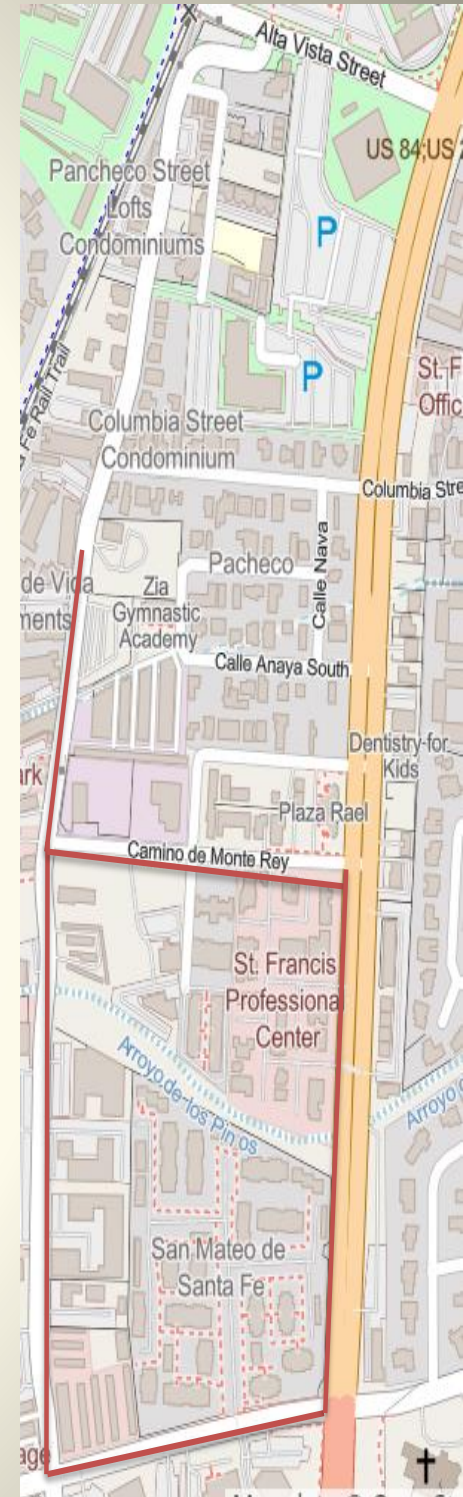
- 9. **MATTERS FROM STAFF**
- 10. **MATTERS FROM THE COMMITTEE**
- 11. **MATTERS FROM THE CHAIR**
- 12. **NEXT MEETING: September 09 2021**
- 13. **ADJOURN**

Romella Glorioso-Moss

Liaison 09/01/2021

Chair

August 3rd Walking Audit Pacheco Street, San Mateo and Camino de Monte Ray





1st Issue: Clear obstruction via a property owners neglect.

2nd Issue: Problem has gone unresolved for years without any appearance of a remedy.

Opportunity: Does the City's ADA Transition Plan address this? If so is there a scheduled plan to remedy?

If not, not how can the City begin a systemic approach to addressing needs beyond what may be in place today?



Issue 1. Vacant Properties without sidewalks.



Opportunity: A Special Assessment Improvement District (SAID) may include a Provisional Order Method where the City may initiate a district when it determines that creation of a district is necessary for the health, safety, and welfare of the community. This method does not require any votes or “buy-in” from the property owners. The SAID may be created by the Governing Body. The City is reimbursed for the cost of the SAID improvements by the property owners directly benefiting from the improvements. Assessment payments made by property owners to the City are used to pay for bonds issued for the improvement work and associated issuance costs. The City conducts SAIDs in accordance with New Mexico State Law, Chapter 3, Article 33 NMSA, 1978

Issue 2. Developed Properties without sidewalks and/or with physical barriers intentionally placed where sidewalks should be and seen above.

San Mateo between Pacheco and St. Francis

Issue: No Bike Lanes on San Mateo

Opportunity: Prior to restriping roads a thorough analysis of how striping may maximize safety for all users. In this case bike lanes can be included. Lane widths shortened.

Issue: Sidewalk transitions to a sloped driveway curb.

Opportunity: Ensure all publicly and private driveway/sidewalk designs conform to ADA regulations.



2017 ADA Transition Plan

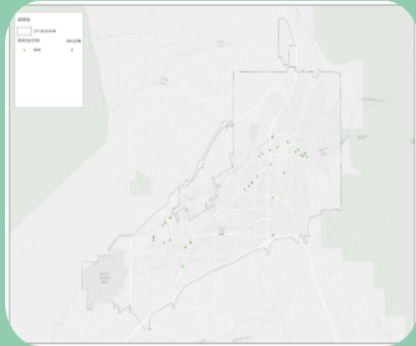
- Surveyed **161** miles of sidewalks as of September 20th, 2016.
- Preliminary Results:
 - 689 Sidewalk Obstructions (light poles, fire hydrants, etc.) have been identified.
 - 2,209 Sidewalk Surface Obstructions (surface gaps, vertical discontinuities, and uneven pavement) have been identified.





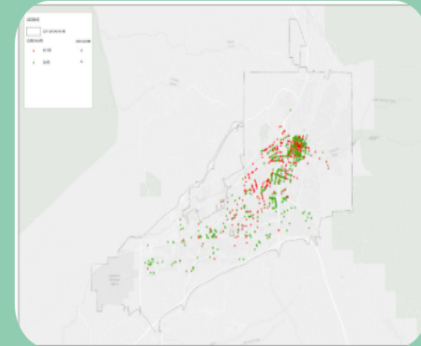
PEDESTRIAN FACILITY IMPROVEMENT PROGRAM

GOAL: TO DEVELOP A LIST OF HIGH PRIORITY (RANKED) PEDESTRIAN IMPROVEMENT PROJECTS UNDER 50K FOR CONSTRUCTION BASED ON OBJECTIVE CRITERIA



Bus Stops

In December of 2018, Santa Fe Metropolitan Planning Organization (SFMPO) and the City of Santa Fe (City) hired Sites Southwest (SSW) to help prioritize the pedestrian improvement projects identified in three of Santa Fe's previous planning efforts. They examined bus stops, curb ramps, sidewalks, and intersections.

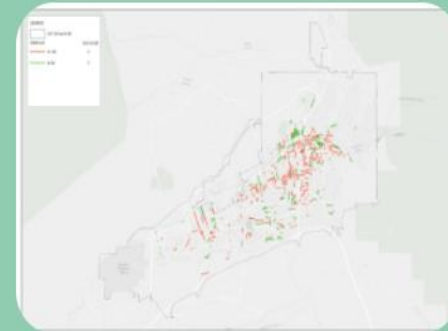


Curb Ramps



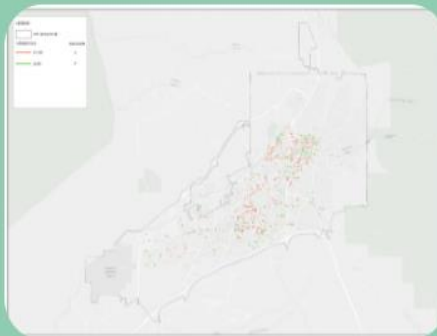
Sidewalks identified in the Pedestrian Master Plan (PMP)

The Sites Southwest team developed scoring criteria and an evaluation matrix based on improvements identified in the City of Santa Fe's Transition Public Right-of-Way Update (PROW, 2017), The Santa Fe Metropolitan Bus Stop and Sidewalk Connectivity Assessment (2016), and the Santa Fe Metropolitan Pedestrian Master Plan (PMP) 2015-2040 (2015).



Sidewalks

As more pedestrian improvement projects are identified they can be added to the GIS data, which then can be used to rate them based on the same criteria identified in the previous task. The map can then be updated to reflect any new or completed projects.



Intersections

[NEXT STEPS](#)

[SCORING CRITERIA](#)



[PEDESTRIAN IMPROVEMENT PROGRAM OVERVIEW](#)

The total 2022 recommended spending is \$348.6 million, an 11 percent increase over the FY21 budget. Public Works is \$50,751,529 or 15 percent of total budget

The mission of the Engineering Division is to develop multi-modal transportation and stormwater infrastructure to support resilience, mobility and safety.

Description of Services

\$5,613,091

The Division oversees:

- Traffic engineering and operations.
- Roadway and trail planning design and construction.
- Storm water infrastructure design, construction and maintenance.
- ADA sidewalk infrastructure planning, design and construction.

STREETS AND DRAINAGE

THOMAS MARTINEZ, ACTING STREETS AND DRAINAGE DIVISION DIRECTOR

Mission

The Streets and Drainage Division's mission is to ensure safe mobility for the citizens of Santa Fe through maintenance and rehabilitation of public streets, sidewalks, trails and drainage ways.

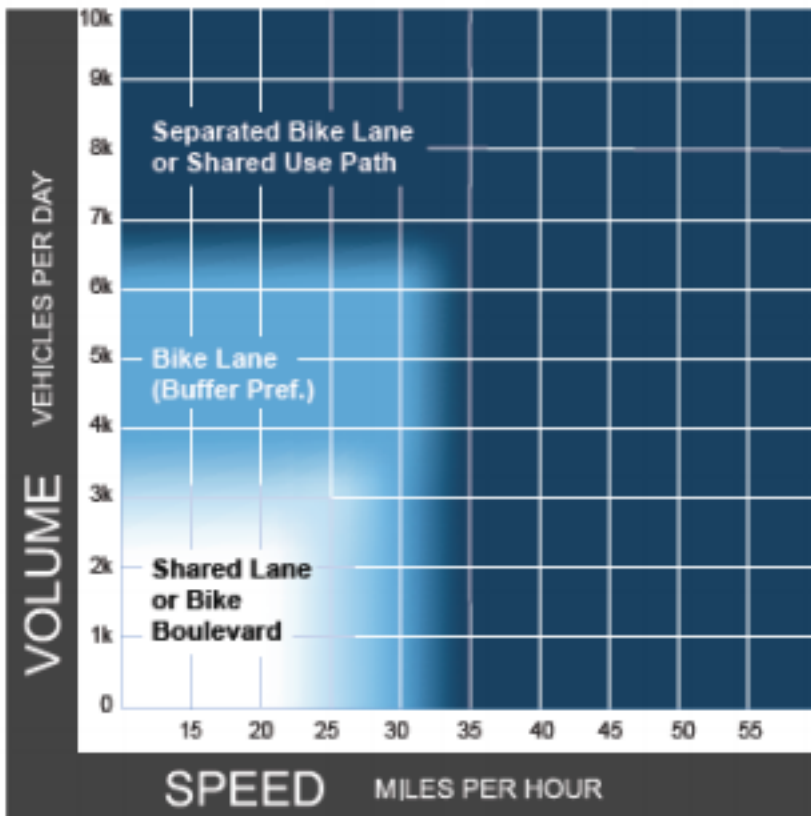
Description of Services

Maintenance of the streets, sidewalk, trails and drainage infrastructure of the City of Santa Fe. The tasks include snow removal, concrete construction, grading, sweeping, pavement maintenance, engineering/inspection, drainage maintenance, and administration.

\$4,691,965

Bicycle Master Plan Appendix A, Bicycle Design Toolkit, p10

TRAFFIC VOLUMES AND SPEEDS

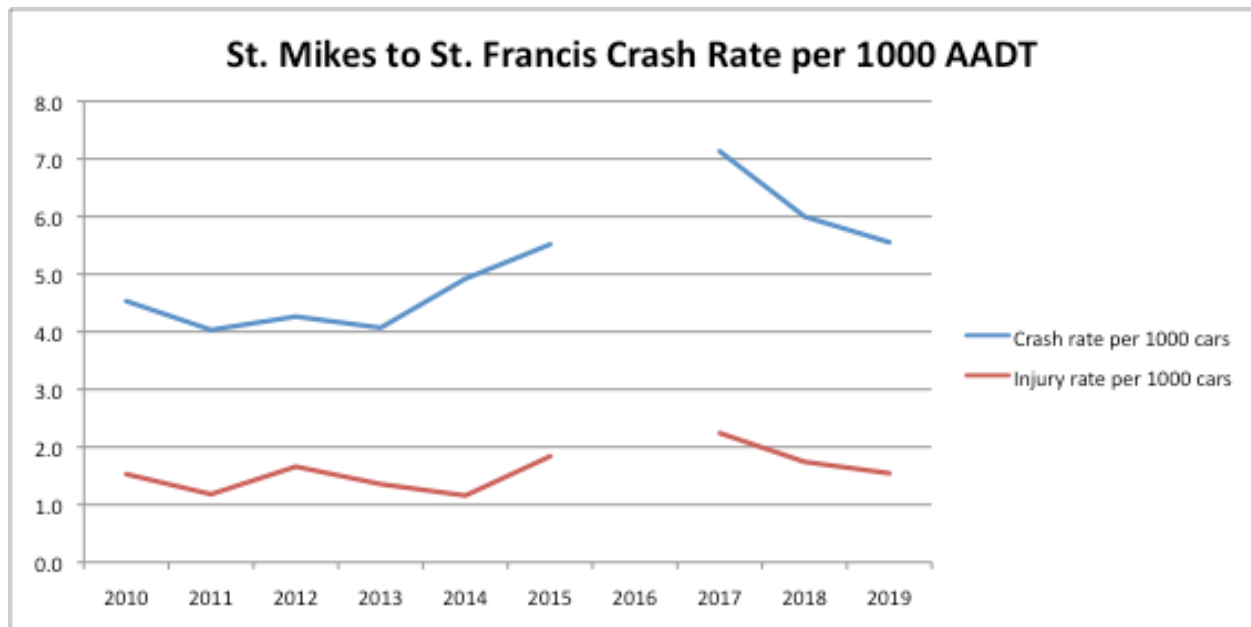
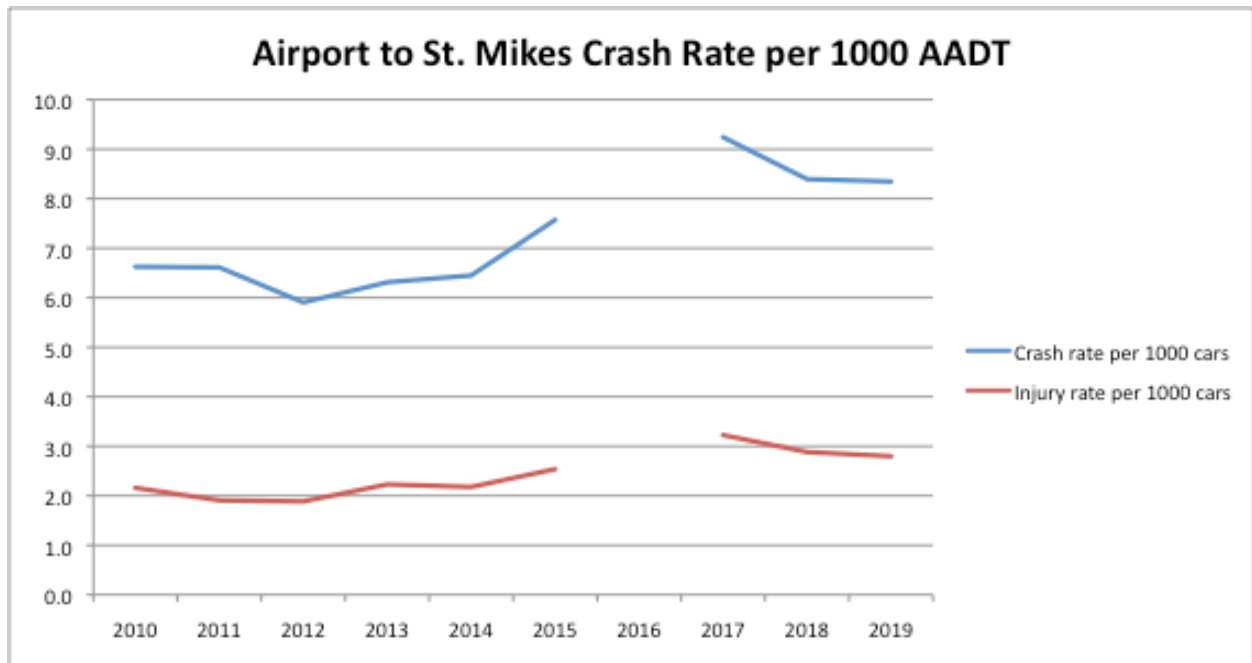


Notes

- 1 Chart assumes operating speeds are similar to posted speeds. If they differ, use operating speed rather than posted speed.
- 2 Advisory bike lanes may be an option where traffic volume is <3K ADT.
- 3 See Section 4.4 for a discussion of alternatives if the preferred bikeway type is not feasible.

Preferred Bikeway Types for Urban and Suburban Contexts

Crash analysis of Cerrillos Road from Airport to St. Michaels post reconstruction with Cerrillos Road from St. Michaels to St. Francis as a comparison.



1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2021-__**

3 **INTRODUCED BY:**

4 Councilor Michael Garcia

5
6
7
8
9
10 **A RESOLUTION**

11 **MAINTENANCE AND INSTALLATION OF ON-ROAD BICYCLE/PEDESTRIAN**
12 **FACILITIES**

13
14 **WHEREAS**, one of the duties and responsibilities of the BPAC is to assist in the
15 prioritization of bicycle and pedestrian infrastructure projects to be completed using city,
16 state, and federal funds, through the development of the Santa Fe Metropolitan Planning
17 Organization (“SFMPO”) Bicycle Master Plan and the SFMPO Pedestrian Master Plan;
18 and,

19 **WHEREAS**, in 2007, the SFMPO Policy Board, of which the City of Santa Fe is a
20 member, adopted a Complete Streets Policy, directing transportation planners and
21 engineers to routinely plan, design, construct, operate, and maintain the entire right-of-
22 way for safe access of all users, including pedestrians, bicyclists, motorists, and transit
23 riders regardless of age, ability, and mode of transportation; and,

24 **WHEREAS**, pavement markings delineating pedestrian crossings, bicycle

1 roadway lanes, travel transitions, sharrows, green lane markings and other delineators are
2 essential elements of transportation infrastructure with critical impacts on safety and
3 mobility; and

4 **WHEREAS**, these pavement markings provide all road users with the necessary
5 information to adjust driving, bicycling, and walking behavior or make calculated
6 decisions about traveling, the visibility of pavement markings for all users can be the
7 difference between a safe trip and a disastrous collision; and

8 **WHEREAS**, wayfinding and signage programs for all roadway users support more
9 efficient and safer travel patterns, alert roadway users of the presence of other modes of
10 transportation and foster a sense of community with shared interests; and

11 **WHEREAS**, annual and routine maintenance of pavement markings and
12 wayfinding and signage programs are critical to support a safe and effective
13 transportation network and meet the transportation goals of the City of Santa Fe; and,

14 **WHEREAS**, the purpose of the Bicycling and Pedestrian Advisory Committee is
15 to work with city and MPO staff and provide input and advice to the Governing Body
16 that supports the ongoing development and maintenance of a transportation infrastructure
17 that makes bicycling and walking in the City of Santa Fe safe, viable, and comfortable
18 modes of transportation, commuting, and recreation, the following policy
19 recommendations are presented for approval and implementation by the City of Santa Fe.

20 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
21 **CITY OF SANTA FE**

22 **1. Establish a regular inspection schedule to assess the condition of the city's**
23 **bicycle and pedestrian infrastructure.**

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2. Develop and maintain a Geographic Information system (GIS) based inventory of the physical condition of each element of the city’s bicycle and pedestrian infrastructure. The list will be used to prioritize maintenance and repairs and ensure that infrastructure remains safe and functional, including but not limited to: returning the infrastructure to its original condition (or better), especially after any planned road or infrastructure maintenance that impacts bike-ped infrastructure (e.g., if roads with sharrows get patched, sharrows are replaced). Criteria may include, but are not limited to:

- A. The condition of the infrastructure from the inventory list described above.**
- B. Equitable distribution of city resources to support bicycle and pedestrian infrastructure throughout the city.**
- C. BPAC recommendations, public input, and constituent requests.**

3. Establish an annual fund with a consistent source(s) of funds to support the development and ongoing maintenance of bicycle and pedestrian infrastructure within the city limits.

4. Designate the appropriate entities and departments within the city’s government to implement the policies and manage the budget, and ensure that bicycle and pedestrian infrastructure is treated as both transportation and recreation with appropriate engineering, design, and funding resources.

PASSED, APPROVED, and ADOPTED this _____ day of _____, 2021.

ALAN WEBBER, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

ERIN K. McSHERRY, CITY ATTORNEY

DRAFT

For Agenda Item 7.e

BPAC Promotion, Education and Programming Subcommittee

Policy Implementation Paths Forward

1. BPAC to recommend to City Council to adopt Resolution 2021-XX “Maintenance and Installation of On-Road Bicycle/Pedestrian Facilities”. See draft resolution.
2. Update BPAC’s Strategic Plan to include actions for maintaining and installing on-road bicycle/pedestrian facilities, such as:
 - a) Establish a regular inspection schedule to assess the condition of the city’s bicycle and pedestrian infrastructure. Roadway striping conditions are typically evaluated using both daytime and nighttime subjective analysis by those trained to determine if striping is in good, fair or poor condition.
 - b) Utilize the Geographic Information System (GIS) based inventory of the physical condition of city’s bicycle and pedestrian infrastructure that the SFMPO will develop and maintain.
 - c) Identify asset management practices that best serve the purpose of pavement marking management and describe a model framework for the pavement marking management systems. “Infrastructures Journal” report published January 24th, 2021 can be a useful resource. <https://www.mdpi.com/2412-3811/6/2/18>.
3. Upon adoption of Resolution 2021-XX BPAC requests the following:
 - a) The City Council supports funding requests by Public Works to accomplish said goals and break out funding that specifically is earmarked to Bicycle and Pedestrian resources.
 - b) BPAC Chair to discuss implementation of Resolution 2021-XX with Public Works Director, and SFMPO Officer, particularly in establishing an annual fund with a consistent source(s) of funds to support the development and ongoing maintenance of bicycle and pedestrian infrastructure within the city limits.

MEMORANDUM

TO: Bicycle and Pedestrian Advisory Committee

FROM: E-Bike Task Force (Yolanda Eisenstein, Judith Gabriele, Gary Schiffmiller, Khal Spencer)

DATE: September 9, 2021

RE: E-Bike Regulations

Electric bikes (e-bikes) are increasing in use and popularity. The State of New Mexico (along with Alabama, Mississippi, North Dakota, and South Dakota) is one of the few remaining states yet to pass any laws regulating e-bikes. In 2021, Senator Antoinette Sedillo Lopez introduced Senate Bill 369 (SB 369), which would have regulated e-bikes. The bill did not make it out of the legislature and we are not sure of the bill's future. We have reached out to Senator Sedillo Lopez, but have not yet received a response. However, the earliest time to re-introduce it would be in 2023. Therefore, we recommend that the City of Santa Fe not wait for the state and move forward with amending existing ordinances and enacting new ones regulating e-bikes. Tour operators, bicycle shops, recreational riders, and commuters need guidance on the use of e-bikes, which do not fall readily within the definition of a bicycle. They are equipped with motors and some operate without the rider pedaling.

The E-bike Task Force reviewed laws and ordinances of various states and municipalities that have enacted e-bike regulations. We reviewed the 2018 Uniform Traffic Ordinances and talked with retail bike shops and various bike organizations. The result is the recommendations that follow. Some of the key factors we considered were Santa Fe's infrastructure for bicycles and pedestrians; laws and ordinances of other states; laws of New Mexico; Santa Fe's existing ordinances; practical issues, such as enforcement; and the opinions of reputable biking organizations. We had two major goals: 1) maintain consistency with current state laws and local ordinances to the greatest extent possible; and 2) keep the regulations as simple as possible.

City of Santa Fe Ordinances

The following two ordinances (23-5.1 and 23-5.4) fall outside the 2018 Uniform Traffic Ordinances but pertain to the use of bicycles.

23-5.1 Definitions

C. *Bicycle* means every device propelled by human power, upon which any person may ride, having two or three wheels, except scooters and similar devices.~~a vehicle with two (2) wheels tandem, a steering handle, a saddle seat, and pedals by which it is propelled.~~

Task Force Comment: The definition in this ordinance (23-5.1) is inconsistent with the 2018 Uniform Traffic Ordinance (12-1-6). We have drafted both definitions to be the same.

New Proposed Ordinance after "H. Community Days Festival" 1. *Electric Bicycle* means every device propelled upon which a person may ride that is equipped with two or three wheels, pedals for human propulsion, and a motor of no more than seven hundred fifty (750) watts and meets the requirements of one of three classes:

- (1) *Class 1 Electric Bicycle* means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour (20 mph).
- (2) *Class 2 Electric Bicycle* means a bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of twenty miles per hour (20 mph).
- (3) *Class 3 Electric Bicycle* means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of twenty-eight miles per hour (28 mph).

Task Force Comment: New Mexico law classifies a bicycle as a device, not a vehicle. We have been consistent with state law.

23-5.4 Plaza Prohibited Uses

A. No person shall:

- ...
- (2) Ride a bicycle, electric bicycle, or unicycle within the Plaza Park, as defined;

2018 Uniform Traffic Ordinances

The Santa Fe traffic ordinances are consolidated in one document, the 2018 Uniform Traffic Ordinances. A number of traffic ordinances should be reviewed once e-bikes regulations are put in place. However, at this time we have limited our recommendations to the following, which most directly impact bicycles and e-bikes:

Article I Definitions

12-1-6 BICYCLE. "Bicycle" means every device propelled by human power, upon which any person may ride, having two or three wheels, except scooters and similar devices. (66-1-4.2 NMSA 1978) (Ord. #2011-23, § 1)

...

New Proposed Ordinance **12-1-11 ELECTRIC BICYCLE.** "Electric Bicycle" means every device propelled upon which a person may ride that is equipped with two or three wheels, pedals for

human propulsion, and a motor of no more than seven hundred fifty (750) watts and meets the requirements of one of three classes:

- (1) *Class 1 Electric Bicycle* means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour (20 mph).
- (2) *Class 2 Electric Bicycle* means a bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of twenty miles per hour (20 mph).
- (3) *Class 3 Electric Bicycle* means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of twenty-eight miles per hour (28 mph).

Task Force Comment: There are various definitions by states and municipalities. Our goal was to adhere closely to the proposed state law and maintain the simplest definition possible.

12-1-40 MOTOR VEHICLE. “Motor Vehicle” means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from batteries, except electric bicycles, or from overhead trolley wires, but not operated upon rails; but for the purposes of the Mandatory Financial Responsibility Act [66-5-201] to 66-5-239 NMSA 1978], “motor vehicle does not include “special mobile equipment.” (66-1-4.11 NMSA 1978)

Task Force Comment: This ordinance makes e-bikes vehicles rather than devices, which conflicts with state law. We have picked up the language from SB 369.

12-1-88 VEHICLE. "Vehicle" means every device in, upon, or by which, any person or property is or may be transported or drawn upon a street, including any frame, chassis, body or unitized frame and body of any vehicle or motor vehicle, except devices moved by human power or used exclusively upon stationary rails or tracks. An electric bicycle is not a vehicle. (66-1-4.19 NMSA 1978)

ARTICLE VIII OPERATION OF BICYCLES

12-8-1 EFFECT OF REGULATIONS

...

B. These regulations applicable to bicycles and electric bicycles shall apply whenever a bicycle or electric bicycle is operated upon any street, bicycle lane, or ~~upon any path~~, set aside for the exclusive use of bicycles-subject to existing laws and those exceptions stated herein.

C. Except as specifically provided herein, all classes of electric bicycle or operators of electric bicycles shall be afforded all of the rights and privileges and all of the duties and provisions of a bicycle or operator of a bicycle.

B-D. These provisions apply to the operation of bicycles and electric bicycles in the City of Santa Fe. Federal or state law, which may differ from these provisions, is the controlling law on streets, paths, and trails owned and managed by the federal government or the State of New Mexico.

12-8-7 LAMPS AND OTHER EQUIPMENT ON BICYCLES AND ELECTRIC BICYCLES

A. Every bicycle and electric bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear which shall be visible from all distances from fifty feet to three hundred feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector. A lamp or light emitting white light and attached to the helmet of the bicyclist may also be used in lieu of a light attached to the bicycle.

B. Every bicycle and electric bicycle shall be equipped with a brake or other means which will enable the operator to bring the bicycle promptly to a stop on dry, level, clean pavement. (66-3-707 NMSA 1978) (Ord. #2011-23, §11)

C. No person under the age of sixteen (16) may operate a Class 3 Electric Bicycle. A person under the age of sixteen (16) may ride as a passenger on a Class 3 Electric Bicycle that is designed to accommodate passengers.

D. Operators of electric bicycles shall follow existing laws regarding the use of helmets.

12-8-10 SPEED.

A. No person shall operate a bicycle or electric bicycle at a speed greater than is reasonable and prudent under the conditions then existing. (*)

B. Where riding on sidewalks is allowed, bicycles and electric bicycles shall be limited to five (5) miles per hour.

Task Force Comment: We believe that riding bicycles on sidewalks is a risk to the safety of bicyclists and pedestrians. The risk is greater with electric bicycles in that speed and rider inexperience may result in more serious injuries or even deaths. While bicyclists may reach speeds of twenty (20) miles per hour on bicycles, these riders are typically experienced and tend to ride on the streets rather than sidewalks. However, without the appropriate city-wide infrastructure for bicycles, prohibiting riding on sidewalks is impractical. Therefore, we recommend a strict speed limit of five (5) miles per hour on any sidewalk.

12-8-15 RIDING ON SIDEWALKS

- A. No person shall ride a bicycle or electric bicycle on any sidewalk when signs are posted prohibiting the riding of bicycles on the sidewalk.
- ~~B. When signs are posted requiring bicycles to use sidewalks or paths adjacent to a street, no person shall ride a bicycle on the street adjacent to the sidewalks or paths.~~
- ~~C.~~ B. If the bicyclist dismounts, the bicyclist is subject to the laws that apply to pedestrians.
- ~~D.~~ C. Whenever any person is riding a bicycle upon a sidewalk, the person shall yield the right of way to any pedestrian.(*)
(Ord. #2011-23, §§ 22, 23)

12-8-17.1 BICYCLE SERIAL NUMBER/ELECTRIC BICYCLE MODIFICATION

...

D. It is an offense for a person to knowingly modify an electric bicycle so as to change the speed capability of the electric bicycle and not appropriately replace, or cause to be replaced, the label indicating the class required in these regulations.

Task Force Comment: This prohibition appears in most laws reviewed, as well as SB 369.

12-8-23 PENALTIES. Every person convicted of a violation of any provision of Section 12-8-1 through 12-8-23 shall be punished by a fine of not more than one hundred dollars ~~(\$100.00) twenty five dollars (\$25.00).~~

Task Force Comment: Given the potential for serious injuries or death as a result of the speed of an electric bicycle, we suggest allowing for a greater fine in certain circumstances.