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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2011-23

INTRODUCED BY:

Councilor Bushee

AN ORDINANCE

AMENDING VARIOUS SECTIONS OF THE *CITY OF SANTA FE UNIFORM TRAFFIC ORDINANCE* RELATED TO BICYCLES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. Section 12-1-6 of the City of Santa Fe Uniform Traffic Ordinance (being Ord. #2006-34) is amended to read:

12-1-6 BICYCLE. "Bicycle" means every device propelled by human power, upon which any person may ride, having two [~~tandem~~] or more wheels, except scooters and similar devices. (66-1-4.2 NMSA 1978)

Section 2. Section 12-6-2.7 of the City of Santa Fe Uniform Traffic Ordinance (being Ord. #2006-34) is amended to read:

12-6-2.7 NO PASSING ZONES AND RESTRICTIONS ON PASSING.

A. The administrator may determine those portions of any street or highway under his jurisdiction where overtaking and passing or driving on the left of the street would be especially hazardous and may, by appropriate signs or markings on the street indicate the

1 beginning and end of such zones. When the signs or markings are in place and clearly visible to
2 an ordinarily observant person, every driver of a vehicle shall obey the direction thereof.

3 B. Where signs or markings are in place to define a no-passing zone as set forth in
4 Subsection A of this section, no driver shall at any time drive on the left side of the street within
5 the no-passing zone or on the left side of any pavement striping designed to mark the no-passing
6 zone throughout its length. This section does not apply under the conditions described in Section
7 12-6-2.1A(3) or to the driver of a vehicle turning left into or from an alley, private road or
8 driveway. (66-7-315 NMSA 1978)

9 C. When double yellow lines are painted on a pavement, no driver shall drive any
10 vehicle across the lines except the driver of a vehicle turning left into or from an alley, private
11 road or driveway.

12 D. No driver shall overtake and pass any other vehicle proceeding in the same
13 direction in a school zone when the school zone signs are in place.

14 E. Whenever a vehicle is stopped at a marked crosswalk or an unmarked crosswalk
15 at an intersection to permit a pedestrian to cross the street, the driver of the vehicle approaching
16 from the rear shall not overtake and pass the stopped vehicle. (*)

17 F. When approaching or passing a bicyclist, every person operating a motor vehicle
18 shall proceed with caution and shall pass such bicyclist at a reasonable speed and keep a safe
19 distance from him. In no event shall a distance of less than five feet be considered a safe distance
20 within the meaning of this Section. To comply with the requirements of this paragraph, a person
21 operating a motor vehicle may be required to drive at a slower rate of speed.

22 **Section 3. A new Section 12-6-2.17 of the City of Santa Fe Uniform Traffic**
23 **Ordinance is ordained to read:**

24 **12-6-2.17 DRIVING A MOTOR VEHICLE ON OR ACROSS BICYCLE LANE OR**
25 **PATH.** No person shall drive or operate a motor vehicle upon or across a bicycle path or lane

1 except to cross such path or lane when turning as permitted in Section 12.6-5.11, to park such
2 motor vehicle, or to leave a parking space. No person shall drive upon or across a bicycle lane or
3 path as permitted by this Section until the right-of-way is provided to all bicycles within the lane
4 or path.

5 **Section 4. A new Section 12-6-5.1 of the City of Santa Fe Uniform Traffic**
6 **Ordinance is ordained to read:**

7 **12-6-5.11 MOTORIST TURNING ACROSS BICYCLE LANE.** Whenever a motorist
8 is turning across a bicycle lane or path, such motorist shall maintain a proper lookout for
9 bicyclists and shall yield the right-of-way to any bicyclist traveling in a bicycle lane or path.

10 **Section 5. Section 12-6-12.3 of the City of Santa Fe Uniform Traffic Ordinance**
11 **(being Ord. #2006-34) is amended to read:**

12 **12-6-12.3 RECKLESS DRIVING.**

13 A. Any person who drives any vehicle carelessly and heedlessly in willful or wanton
14 disregard of the rights or safety of others and without due caution and circumspection and at a
15 speed or in a manner so as to endanger or be likely to endanger any person or property is guilty of
16 reckless driving.

17 B. A person operating a motor vehicle shall not harass or endanger a bicyclist.

18 ~~B.~~C. Every person convicted of reckless driving shall be punished:

19 (1) Upon a first conviction by imprisonment for not less than five days nor more
20 than ninety days, or by a fine of not less than twenty-five dollars (\$25.00) nor more than
21 one hundred dollars (\$100.00), or both; and

22 (2) On a second or subsequent conviction by imprisonment for not less than ten
23 days nor more than ninety days, or by a fine of not less than fifty dollars (\$50.00) nor
24 more than three hundred dollars (\$300.00), or both. (66-8-113 NMSA, 1978)

25 **Section 6. Section 12-6-13.8 of the City of Santa Fe Uniform Traffic Ordinance**

1 (being Ord. #2006-34) is amended to read:

2 **12-6-13.8 IMPROPER OPENING OF DOORS.** ~~[No]~~ A person shall not:

3 A. ~~[open the door of a vehicle on the side near moving traffic unless it is~~
4 ~~reasonably safe to do so, and the door can be opened without interfering with the movement of~~
5 ~~traffic]~~ open any door on a motor vehicle unless and until it is reasonably safe to do so and can be
6 done without interfering with the movement of other traffic including bicycle traffic; or

7 B. leave a door of a vehicle open on the side of the vehicle near moving traffic for
8 a period of time longer than necessary to load or unload passengers. (66-7-367 NMSA 1978)

9 **Section 7. The Table of Contents of Article VII of the City of Santa Fe Uniform**
10 **Traffic Ordinance (being Ord. #2006-34) is amended to read:**

11 **ARTICLE VIII**

12 **OPERATION OF BICYCLES**

- 13 12-8-1 Effect of Regulations
- 14 12-8-2 Traffic Ordinance Applies to Persons Riding Bicycles
- 15 12-8-3 ~~[Riding on Bicycles]~~ Seated Passenger
- 16 12-8-4 Clinging to Vehicles
- 17 12-8-5 ~~[Riding on Streets and Bicycle Paths]~~ Reserved
- 18 12-8-6 Carrying Articles
- 19 12-8-7 Lamps and Other Equipment on Bicycles
- 20 12-8-8 Obedience to Traffic-Control Devices
- 21 12-8-9 Parking of Bicycles
- 22 12-8-10 Speed
- 23 12-8-11 ~~[Emerging from Alley, Driveway, Private Road or Building]~~ Riding on
24 Prohibited Streets or controlled Access
- 25 12-8-12 ~~[Riding on Sidewalks]~~ Operation In Bicycle Lane

- 1 12-8-13 ~~[License Required]~~ Direction of Travel in Bicycle Lane
- 2 12-8-14 ~~[License Application]~~ Position on the Roadway
- 3 12-8-15 ~~[Issuance of License]~~ Riding on Sidewalks
- 4 12-8-16 ~~[Attachment of License Plate]~~ Turning and Hand Signals
- 5 12-8-17 ~~[Authority to Prevent Use]~~ Bicycle Serial Number
- 6 12-8-18 ~~[Inspection of Bicycles]~~
- 7 12-8-19 ~~[Transfer of Ownership]~~ Reserved
- 8 12-8-20 ~~[Rental Agencies]~~ Reserved
- 9 12-8-21 ~~[Bicycle Dealers]~~ Reserved
- 10 12-8-22 ~~[Impounding Unlicensed and Unattended Bicycles]~~ Reserved
- 11 12-8-23 Penalties

12 **Section 8. Section 12-8-2 of the City of Santa Fe Uniform Traffic Ordinance**
 13 **(being Ord. #2006-34) is amended to read:**

14 **12-8-2 TRAFFIC ORDINANCE APPLIES TO PERSONS RIDING BICYCLES.**

15 ~~[Every person riding a bicycle upon a street shall be granted all of the rights and shall be subject~~
 16 ~~to all of the duties applicable to the driver of a vehicle, except as to the special regulations within~~
 17 ~~Sections 12-8-1 through 12-8-23. (66-3-702 NMSA 1978)]~~

18 A. Operators of bicycles have the same rights as operators of motor vehicles in the
 19 use of streets, highways and roadways within the city, except as otherwise specifically provided
 20 herein.

21 B. Every person riding a bicycle upon a roadway, street or highway shall be subject
 22 to all the duties applicable to the drivers of motor vehicles, except as otherwise expressly
 23 provided in this Traffic Ordinance and except as to those provisions of laws and ordinances
 24 which by their nature can have no applications; and each such person shall be subject to the same
 25 provisions and sections of this Traffic Ordinance to which a motorist is subject within Sections

1 12-8-1 through 12-8-21. (66-3-702 NMSA 1978)

2 **Section 9. Section 12-8-3 of the City of Santa Fe Uniform Traffic Ordinance**
3 **(being Ord. #2006-34) is amended to read:**

4 **12-8-3 ~~[RIDING BICYCLES.] SEATED PASSENGER.~~**

5 A. A person propelling a bicycle shall not ride other than upon or astride a
6 permanent and regular seat attached thereto.

7 B. No bicycle shall be used to carry more persons at one time than the number for
8 which it is designed and equipped. (66-3-703 NMSA 1978)

9 **Section 10. ~~[REPEAL]~~ Section 12-8-5 of the City of Santa Fe Uniform Traffic**
10 **Ordinance (being Ord. #2006-34) is repealed.**

11 **Section 11. Section 12-8-7 of the City of Santa Fe Uniform Traffic Ordinance**
12 **(being Ord. #2006-34) is amended to read:**

13 **12-8-7 LAMPS AND OTHER EQUIPMENT ON BICYCLES.**

14 A. Every bicycle when in use at nighttime shall be equipped with a lamp on the
15 front which shall emit a white light visible from a distance of at least five hundred feet to the
16 front and with a red reflector on the rear [~~of a type approved by the division~~] which shall be
17 visible from all distances from fifty feet to three hundred feet to the rear when directly in front of
18 lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a
19 distance of five hundred feet to the rear may be used in addition to the red reflector. A lamp or
20 light emitting white light and attached to the helmet of the bicyclist may also be used in lieu of a
21 light attached to the bicycle.

22 ~~[B. — No person shall operate a bicycle unless it is equipped with a bell or other device~~
23 ~~capable of giving a signal audible for a distance of at least one hundred feet, except that a bicycle~~
24 ~~shall not be equipped with, nor shall any person use upon a bicycle any siren or whistle.]~~

25 [C.]B. Every bicycle shall be equipped with a brake or other means which will enable

1 the operator to ~~[make the brake wheels skid]~~ bring the bicycle promptly to a stop on dry, level,
2 clean pavement. (66-3-707 NMSA 1978)

3 **Section 12. Section 12-8-8 of the City of Santa Fe Uniform Traffic Ordinance**
4 **(being Ord. #2006-34) is amended to read:**

5 **12-8-8 OBEDIENCE TO TRAFFIC-CONTROL DEVICES.**

6 A. Any person operating a bicycle shall obey the instructions of official traffic-
7 control devices applicable to vehicles, unless otherwise directed by a police officer or unless a
8 less stringent requirement specifically applicable to bicycle applies.

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

13 **Section 13. Section 12-8-9 of the City of Santa Fe Uniform Traffic Ordinance**
14 **(being Ord. #2006-34) is amended to read:**

15 **12-8-9 PARKING OF BICYCLE.** ~~[No person shall park a bicycle upon a street other~~
16 ~~than upon the street against the curb or upon the sidewalk in a rack to support the bicycle or~~
17 ~~against a building or at the curb, in such manner as to afford the least obstruction to pedestrian~~
18 ~~traffic.] A bicycle may be parked on a sidewalk and other places if the parking does not impede~~
19 normal and reasonable movement of pedestrians or other traffic. (*)

20 **Section 14. [REPEAL] Section 12-8-11 of the City of Santa Fe Uniform Traffic**
21 **Ordinance (being Ord. #2006-34) is repealed.**

22 **Section 15. A new Section 12-8-11 of the City of Santa Fe Uniform Traffic**
23 **Ordinance is ordained to read:**

24 **12-8-11 RIDING ON PROHIBITED STREETS OR CONTROLLED ACCESS** No
25 person shall ride a bicycle either on any street or path where signs have been erected by the city,

1 which prohibit the use of the street or path to bicycles.

2 **Section 16. [REPEAL] Section 12-8-12 of the City of Santa Fe Uniform Traffic**
3 **Ordinance (being Ord. #2006-34) is repealed.**

4 **Section 17. A new Section 12-8-12 of the City of Santa Fe Uniform Traffic**
5 **Ordinance is ordained to read:**

6 **12-8-12 OPERATION IN BICYCLE LANE.**

7 A. Where the lane designated by markings on the pavement for the exclusive use of
8 bicyclists provides a minimum of four feet of rideable space, a bicyclist having entered such a
9 lane shall endeavor to maintain the lane, except:

10 (1) At intersections; or

11 (2) To pass a slower bicyclist, or to avoid parked cars or obstacles.

12 B. A bicyclist may leave the bicycle lane between intersections in order to make a
13 U-turn, or left hand turn where such a turn is permissible for vehicular traffic, or to turn into
14 driveways.

15 **Section 18. [REPEAL] Section 12-8-13 of the City of Santa Fe Uniform Traffic**
16 **Ordinance (being Ord. #2006-34) is repealed.**

17 **Section 19. A new Section 12-8-13 of the City of Santa Fe Uniform Traffic**
18 **Ordinance is ordained to read:**

19 **12-8-13 DIRECTION OF TRAVEL IN BICYCLE LANE.** No person shall ride or
20 operate a bicycle within a bicycle lane or on the roadway in any direction except that permitted of
21 vehicular traffic traveling on the same side of the roadway; provided, that bicycles may proceed
22 either way along a lane where two-way bicycle traffic is so designated.

23 **Section 20. [REPEAL] Section 12-8-14 of the City of Santa Fe Uniform Traffic**
24 **Ordinance (being Ord. #2006-34) is repealed.**

25 **Section 21. A new Section 12-8-14 of the City of Santa Fe Uniform Traffic**

1 **Ordinance is ordained to read:**

2 **12-8-14 POSITION ON THE ROADWAY.**

3 A. If a right vehicle lane available for traffic is wide enough to be safely shared
4 with overtaking vehicles and a bike lane is not present, a bicycle shall be ridden far enough to the
5 right in said lane to facilitate such overtaking movements unless other conditions make it unsafe
6 to do so.

7 B. Exceptions to driving bicycles on the right vehicle lane:

8 (1) When reasonably necessary to avoid conditions including, but not limited
9 to, fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, or
10 surface hazards.

11 (2) To overtake vehicles making right-hand turns at intersections.

12 (3) A bicyclist may move out of their lane to overtake and pass another
13 vehicle or bicycle.

14 (4) When preparing for a left turn at an intersection, when making a U-turn
15 or turning into a private road or driveway.

16 (5) Upon a one-way road with two or more marked traffic lanes the bicyclist
17 may ride in the center of the most left hand lane for a reasonable distance to complete a
18 left hand turn.

19 (6) If the right vehicle lane available for traffic is not wide enough to be
20 safely shared with overtaking vehicles or if passing is otherwise unsafe, a bicycle may be
21 ridden far enough to the left to temporarily control the lane. Bicyclist must move to the
22 right to allow vehicles to overtake at the earliest and safest location. At no point is a
23 bicyclist required to ride less than three feet of any objects or curb on the right.

24 (7) If a roadway is marked with a sharrow, a bicycle can travel in the center
25 of the lane and move right when it is safe to do so.

1 (8) When bicyclists are riding in a group of six or more.

2 (9) During organized bicycling races.

3 **Section 22. [REPEAL] Section 12-8-15 of the City of Santa Fe Uniform Traffic**
4 **Ordinance (being Ord. #2006-34) is repealed.**

5 **Section 23. A new Section 12-8-15 of the City of Santa Fe Uniform Traffic**
6 **Ordinance is ordained to read:**

7 **12-8-15 RIDING ON SIDEWALKS.**

8 A. No person shall ride a bicycle on any sidewalk when signs are posted prohibiting
9 the riding of bicycles on the sidewalk.

10 B. When signs are posted requiring bicycles to use sidewalks or paths adjacent to a
11 street, no person shall ride a bicycle on the street adjacent to the sidewalks or paths.

12 C. If a bicyclist dismounts, the bicyclist is subject to the laws that apply to
13 pedestrians.

14 D. Whenever any person is riding a bicycle upon a sidewalk, the person shall yield
15 the right way to any pedestrian.

16 **Section 24. [REPEAL] Section 12-8-16 of the City of Santa Fe Uniform Traffic**
17 **Ordinance (being Ord. #2006-34) is repealed.**

18 **Section 25. A new Section 12-8-16 of the City of Santa Fe Uniform Traffic**
19 **Ordinance is ordained to read:**

20 **12-8-16 TURNING AND HAND SIGNALS.**

21 A. While riding a bicycle in traffic, the bicyclist shall make sure that his movement
22 can be made safely and shall give a signal by hand in the same manner as hand signals are given
23 by motorists to indicate the direction in which he intends to proceed, except that when signaling
24 to make a right turn, a bicyclist may do so by extending the right arm

25 B. A signal by hand and arm need not be given if the hand is needed in the control

1 or operation of the bicycle.

2 Section 26. [REPEAL] Section 12-8-17 of the City of Santa Fe Uniform Traffic
3 Ordinance (being Ord. #2006-34) is repealed.

4 Section 27. A new Section 12-8-17 of the City of Santa Fe Uniform Traffic
5 Ordinance is ordained to read:

6 12-8-17 BICYCLE SERIAL NUMBER.

7 A. No person shall alter, obliterate or change the serial number imprinted on the
8 frame of any bicycle.

9 B. No person shall sell or rent a bicycle on which the serial number imprinted on
10 the frame has been altered, obliterated or changed.

11 C. This Section shall not prohibit the restoration by an owner of an original serial
12 number or mark.

13 Section 28. [REPEAL] Section 12-8-18 of the City of Santa Fe Uniform Traffic
14 Ordinance (being Ord. #2006-34) is repealed.

15 Section 29. [REPEAL] Section 12-8-19 of the City of Santa Fe Uniform Traffic
16 Ordinance (being Ord. #2006-34) is repealed.

17 Section 30. [REPEAL] Section 12-8-20 of the City of Santa Fe Uniform Traffic
18 Ordinance (being Ord. #2006-34) is repealed.

19 Section 31. [REPEAL] Section 12-8-21 of the City of Santa Fe Uniform Traffic
20 Ordinance (being Ord. #2006-34) is repealed.

21 Section 32. [REPEAL] Section 12-8-22 of the City of Santa Fe Uniform Traffic
22 Ordinance (being Ord. #2006-34) is repealed.

23 Section 33. Section 12-8-23 of the City of Santa Fe Uniform Traffic Ordinance
24 (being Ord. #2006-34) is amended to read:

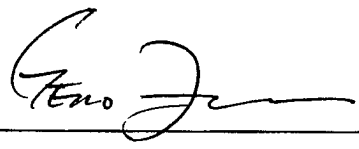
25 12-8-23 PENALTIES. Every person convicted of a violation of any provision of Sections

1 12-8-1 through 12-8-23 shall be punished by a fine of not more than twenty-five dollars (\$25.00).
2 [~~, or by removal and detention of the license plate or decal from the person's bicycle for a period~~
3 ~~not to exceed thirty days or by any combination thereof. (*)~~]

4 **Section 34. Schedule A of the City of Santa Fe Uniform Traffic Ordinance**
5 **(being Ord. #2006-34, as amended) is amended to include the following penalties and**
6 **assessments:**

<u>Driving Vehicle On Or Across Bicycle Lane Or Path.</u>	<u>12-16-2.17</u>	<u>\$25.00</u>
<u>Motorist Turning Across Bicycle Lane.</u>	<u>12-6-5.11</u>	<u>\$25.00</u>

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8 **APPROVED AS TO FORM:**

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11 **GENO ZAMORA, CITY ATTORNEY**

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