

Council Members Farrell and Zamer introduced the following:

**ORDINANCE 24.81.24**

**AN ORDINANCE AMENDING CHAPTER 359 (VEHICLES AND TRAFFIC) AND CHAPTER 251 (PARKS AND RECREATION) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO THE OPERATION OF ACTIVE TRANSPORTATION IN THE CITY OF ALBANY**

*The City of Albany, in Common Council convened, does hereby ordain and enact:*

**Section 1.** Article I (Bicycles and Motor Vehicles) of Chapter 359 (Vehicles and Traffic) of Part II (General Legislation) of the Code of the City of Albany is hereby amended to read as follows:

**Article I**  
**~~Bicycles and All Motor Vehicles~~**

**§ 359-1 Definitions**

~~All persons riding or propelling with the feet a bicycle, tricycle, velocipede or other vehicle of propulsion on the public streets or avenues or in the parks of this City shall attach to and carry on such vehicle an alarm bell, which said bell the persons shall ring or sound on approaching and within 30 feet of the intersection of any street or avenue proposed to be crossed. For purposes of this Article, the following terms shall have the following meanings:~~

**Bicycle**

A two or three wheeled device upon which a person or persons may ride, propelled by human power through a belt, a chain or gears, with such wheels in a tandem or tricycle, except that it shall not include such a device having solid tires and intended for use only on a sidewalk by pre-teenage children. Bicycles with Electric Assist are not bicycles for purposes of this Chapter.

**Bicycle with Electric Assist**

A bicycle which is no more than thirty-six inches wide and has an electric motor of less than seven hundred fifty watts, equipped with operable pedals, meeting the equipment and manufacturing requirements for bicycles adopted by the Consumer Product Safety Commission under 16 C.F.R. Part 1512.1 et seq. and meeting the requirements of one of the following three classes:

- A. Class one bicycle with electric assist. A bicycle with electric assist having an electric motor that provides assistance only when the person operating such bicycle is pedaling, and that ceases to provide assistance when such bicycle reaches a speed of twenty miles per hour.
- B. Class two bicycle with electric assist. A bicycle with electric assist having an electric motor that may be used exclusively to propel such bicycle, and that is not

capable of providing assistance when such bicycle reaches a speed of twenty miles per hour.

- C. Class three bicycle with electric assist. Solely within a city having a population of one million or more, a bicycle with electric assist having an electric motor that may be used exclusively to propel such bicycle, and that is not capable of providing assistance when such bicycle reaches a speed of twenty-five miles per hour.

### **Electric Scooter**

A device weighing less than one hundred pounds that (a) has handlebars, a floorboard or a seat that can be stood or sat upon by the operator, and an electric motor, (b) can be powered by the electric motor and/or human power, and (c) has a maximum speed of no more than twenty miles per hour on a paved level surface when powered solely by the electric motor.

### **Other Human Propelled Device**

Any human powered device not included in the definitions of “Bicycle” or “Pedestrian” herein, including, but not limited to, skateboards, roller skates, unicycles, and similar devices.

### **Pedestrian**

Any individual walking or traveling in a wheelchair or other mobility aid used to provide transportation for a disabled person.

### **Unregistered Motorized Device**

Any vehicle that cannot be registered or operated on New York State sidewalks, streets or highways. This definition does not include bicycles, electric scooters, or bicycles with electric assist as defined in this Chapter, and it does not include wheelchairs and other mobility aids used to provide transportation for a disabled person.

### **§ 359-2 Speed limit for bicycles. Public Roadways**

No person using a bicycle, tricycle, velocipede or other vehicle of propulsion on the public streets or avenues or parks of this City shall propel such vehicle at a rate of speed greater than eight miles an hour, and all such persons shall observe the law of the road. Bicycles, Electric Scooters, Bicycles with electric assist, and other Human Powered Devices may be operated upon the public roadways of this City consistent with New York State Vehicle Traffic Law Article 34.

### **§ 359-3 Number abreast limited. All Terrain Vehicles**

No greater number of persons than two abreast shall parade or ride in the streets or avenues or parks of this City at any time on such bicycles, tricycles, velocipedes or other vehicles of propulsion. Nothing herein shall permit the use of All Terrain Vehicles, as defined in chapter 357 of the Code of the City of Albany, to operate on the streets, sidewalks, paths, or public property of the City of Albany.

### **§ 359-4 Riding on sidewalks prohibited; exceptions.**

No person shall ride any bicycle, tricycle, velocipede or other vehicle of propulsion on or over any footpath in any of the parks, or on or over any of the sidewalks of any of the streets or avenues in this City, except if it is to go into a yard, lot or building; provided, however, that the foregoing

~~provision of this section shall not apply to children under 10 years of age; and provided further that this section shall not be so construed as to prohibit the riding of any bicycle, tricycle or similar vehicle upon or over the unpaved portion of the sidewalk of any such street or streets outside of the thickly settled part of the City as shall be designated in writing by the Mayor. Every designation so made as aforesaid shall be filed with the Chief of Police and may be revoked by the Mayor at any time in his discretion.~~

A. Bicycles and other human propelled devices as defined in this Article are permitted to operate on the sidewalk in the City of Albany so long as they do not exceed five (5) mph and maintain a distance of at least five (5) feet from any pedestrian.

B. Electric scooters and bicycles with electric assist may not be operated on any sidewalk in the City of Albany

### **§ 359-5 Operation of motor vehicles generally.**

A. It is required that all motor vehicles operated within the City of Albany be in good and safe operating condition, and each shall be operated only:

1. While having a valid New York State Certificate of Inspection affixed on the vehicle in the proper location.
2. While in full compliance with Article 9 of the Vehicle and Traffic Law of the State of New York, as amended, which article is fully incorporated herein by reference.
3. While in full compliance with Article 10 of the Vehicle and Traffic Law of the State of New York, as amended, which article is fully incorporated herein by reference.
4. While in full compliance with Article 2 of the Transportation Law of the State of New York, as amended, which article is fully incorporated herein by reference.
5. While in full compliance with Article 6 of the Transportation Law of the State of New York, as amended, which article is fully incorporated herein by reference.
6. While in full compliance with Article 21 of the Tax Law of the State of New York, as amended, which article is fully incorporated herein by reference.
7. While in full compliance with Article 49 of the Code of Federal Regulations, as amended, which article is fully incorporated herein by reference.
8. While registered in accordance with Article 14 of the Vehicle and Traffic Law of the State of New York, as amended, which article is fully incorporated herein by reference.

B. No motor vehicle may operated within the City of Albany if that vehicle has been determined to be in an unsafe condition by a certified New York State inspector or by a person certified by the State of New York to conduct such inspections.

- C. No motor vehicle may operate within the City of Albany if it has been determined that the vehicle should be put out of service by a New York State Department of Transportation inspector.

**§ 359-6 Driver restrictions.**

No person shall operate or drive a motor vehicle nor permit another person to operate or drive a motor vehicle unless the person driving or operating the motor vehicle is duly and properly licensed with a license for the class of vehicle being operated which is in full force and effect and valid pursuant to Articles 19 and 20 of the Vehicle and Traffic Law of the State of New York, as amended, which articles are fully incorporated herein by reference.

**§ 359-7 Motorized scooters.**

- A. ~~Definition of "motorized scooter." For purposes of this section, the term "motorized scooter" shall mean any wheeled device that is designed to be stood or sat upon by the operator, is powered by an electric motor or by a gasoline motor that is capable of propelling the device without human power, is less than 24 inches in height and is not capable of being registered with the New York State Department of Motor Vehicles. For the purposes of this section, the term "motorized scooter" shall not include wheelchairs or other mobility aids designed for use by disabled persons, electric or gas-powered devices not capable of exceeding 15 miles per hour or "electric personal assistive mobility devices" defined as self-balancing, two non-tandem wheeled devices designed to transport one person by means of an electric propulsion system.~~
- B. No person shall operate a ~~motorized scooter~~ unregistered motorized device on public streets or roadways in the City of Albany pursuant to the New York State Vehicle and Traffic Law.
- ~~EB.~~ Any person who violates Subsection B of this section may be liable for a civil penalty in the amount of no more than \$1,000. Authorized employees of the Police Department shall have the authority to enforce the provisions of this section. In addition, such violation shall be a traffic infraction and shall be punishable in accordance with § 1800 of the New York State Vehicle and Traffic Law.
- ~~DC.~~ Any ~~motorized scooter~~ unregistered motorized device that has been used or is being used in violation of the provisions of this section may be impounded and shall not be released until any and all removal charges and storage fees and the applicable fines have been paid or a bond has been posted in an amount satisfactory to the Chief of Police.
- ~~ED.~~ No person shall sell, lease or rent an ~~motorized scooter~~ unregistered motorized device to another person in the City of Albany without informing such buyer, leaser or renter, in writing, that the ~~motorized scooters~~ unregistered motorized device as defined in this section chapter are illegal to be driven on public streets or roadways pursuant to the New York State Vehicle and Traffic Law. Further, anyone selling, leasing or renting ~~motorized scooters~~ unregistered motorized device shall, at his or her place of business, post a sign not

less than 8 1/2 inches by 14 inches stating their illegal use on public streets and roadways pursuant to the New York State Vehicle and Traffic Law.

- ¶E. Any person who violates Subsection D of this section may be liable for a civil penalty of no more than \$1,000 for each violation. Each sale, lease or rental of a motorized scooter in violation of Subsection D shall be deemed a separate violation. Authorized employees of the Department, the Police Department, and of any other agency designated by the Mayor shall have the authority to enforce the provisions of this section.

**Section 2.** Section 359-24 (Vehicle Use on Areas Designated for Bicycles) of Article II (Regulations) of Chapter 359 (Vehicles and Traffic) of Part II (General Legislation) of the Code of the City of Albany is hereby amended to read as follows:

**§ 359-24 Motor Vehicle use on areas designated for bicycles.**

Except as provided in § 359-23 above and § 25.05 of the Parks and Recreation Law, no motor vehicle shall be operated on a path, lane, shoulder or portion of a slope that has been designated for the use of bicycles.

**Section 3.** Section 359-112 (Drivers to exercise due care) of Article XII (Vehicle and Traffic Controls) of Chapter 359 (Vehicles and Traffic) of Part II (General Legislation) of the Code of the City of Albany is hereby amended to read as follows:

**§ 359-112 Drivers to exercise due care.**

- A. Notwithstanding the provisions of any other law to the contrary, every driver of a vehicle shall exercise due care to avoid colliding with any bicyclist, bicycle, electric scooter, bicycle with electric assist, other human powered vehicle, pedestrian or domestic animal upon any roadway and shall give warning by sounding the horn when necessary. For the purpose of this section, the term "domestic animal" shall mean domesticated sheep, cattle and goats which are under the supervision and control of a pedestrian.
- B. Approaching h Horses.
- (1) ~~Notwithstanding the provisions of any other law to the contrary, e~~Every driver of a vehicle shall exercise due care to avoid colliding with any horse being ridden or led along a public highway.
  - (2) Every driver of a vehicle shall, at a reasonable and prudent speed, approach a horse being ridden or led along a public highway so as to avoid frightening such horse and shall pass the horse at a reasonable distance.
  - (3) No driver of a vehicle shall sound the horn when approaching or passing any bicycle, electric scooter, bicycle with electric assist, other human powered vehicle, pedestrian, or domestic animal being ridden or led ~~horse~~ on a public highway.

**Section 3.** Section 251-7 (Use of bicycles, tricycles, and vehicles in Washington Park and Beaver Park) of Article I (Public Grounds Designated as Parks; Government and Care of Parks and Parkways) of Chapter 251 (Parks and Recreation) of Part II (General Legislation) of the Code of the City of Albany is hereby amended to read as follows:

**§ 251-7 ~~Use of bicycles, tricycles and v~~ Vehicles in ~~Washington Park and Beaver~~ City Parks.**

- A. No ~~animals, bicycles, tricycles or motors or~~ vehicles shall be permitted to either stand, congregate or loiter upon the driveways of these parks or in any other parts thereof to the obstruction of the way or to the inconvenience of or interference with travel therein, except on such occasions as may be specially designated by the ~~Superintendent~~ Commissioner of Parks and Recreation.
- B. Neither shall ~~bicycles, tricycles, motors or~~ vehicles go together in numbers or abreast, except in pairs, to the inconvenience, obstruction or interference with the ~~driving~~ public.
- C. No part of ~~such Washington or Lincoln~~ parks shall be used for a place of instruction in the use ~~or management~~ of any vehicle. ~~including bicycles, tricycles and motors, and drivers or wheelmen must turn to the right hand in passing, and in all cases bicycles, tricycles and motors must carry lighted lamps after dark.~~
- ~~D. No vehicle drawn by horses, or propelled in any other way, including bicycles, tricycles and motors, shall travel or use the park roads at a greater rate of speed than eight miles an hour, and on short curves four miles an hour.~~
- ~~E. The use of bicycles, tricycles or vehicles of any kind is not permitted on the paths or walks of these parks.~~
- FD. The Commissioner of Parks and Recreation shall regulate the parking of motor vehicles within and upon the roadways ~~of Washington Park~~ in connection with special events and theatrical events held ~~therein~~ and may establish and collect fees to offset the expense thereof.
- E. The Commissioner of Parks and Recreation shall, in coordination with the Active Transportation Planning Commission, designate times and days where park traffic is expected to be low to permit instruction in the use of non-motor vehicles in Washington and Lincoln Parks.

**Section 4.** This ordinance shall take effect 30 days after enactment.

**APPROVED AS TO FORM THIS  
26<sup>TH</sup> DAY OF JULY, 2024**

---

**Corporation Counsel**

**To:** Shaniqua Jackson, City Clerk

**From:** Jake Eisland, Research Counsel

**Re:** Common Council Legislation  
Supporting Memorandum

**Date:** May 23, 2024

**Sponsor:** Council Members Farrell and Zamer

**ORDINANCE 24.81.24**

**TITLE**

AN ORDINANCE AMENDING CHAPTER 359 (VEHICLES AND TRAFFIC) AND CHAPTER 251 (PARKS AND RECREATION) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO THE OPERATION OF ACTIVE TRANSPORTATION IN THE CITY OF ALBANY

**GENERAL PURPOSE OF LEGISLATION**

To improve the safety and easy of using Active Transportation on the streets and in the parks of the City of Albany.

**NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW**

Albany's Code pertaining to vehicles is old and outdated, offering more deference for horses than pedestrians or users of Active Transportation. This legislation adopts state definitions for various types of vehicles and ensures certain laws only apply to motor vehicles,

Furthermore, bicycles and other human propelled devices are safest when they are in a protected lane separated from motor vehicles. The National Highway Transportation Safety Administration suggests minimizing sidewalk riding in order to be visible and predictable to drivers. However, when there is no protected lane, as is too often the case, the sidewalk can be the safest choice when traffic volume or speed is high. Nonetheless, pedestrians always have the right of way on sidewalks and bicycles, and other human propelled devices on the sidewalk are safest when they maintain speeds similar to pedestrians.

**FISCAL IMPACT**

TBD