

ACTION SHEET
ITEM FROM PUBLIC SAFETY COMMITTEE MEETING OF 11/17/15

ISSUE: Ordinance relating to uniform traffic ordinance to include “autocycles”

PUBLIC SAFETY COMMITTEE ACTION:

SPECIAL CONDITIONS OR AMENDMENTS:

STAFF FOLLOW UP:

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON COUNCILOR DIMAS	X		
VICE-CHAIRPERSON HARRIS	X		
MEMBER DR. MIKE MIER	Absent		
MEMBER DR. NANCY OWEN-LEWIS	X		
MEMBER PETER MIZRAHI	X		
MEMBER MIKE BOWEN	Absent		
MEMBER ERIC JOHNSON	Absent		
MEMBER DAVID TRUJILLO	Absent		
MEMBER JOE ARENLENO	X		

DISK fc1/fcmissue

City of Santa Fe, New Mexico

LEGISLATIVE SUMMARY

Bill No. 2015-____

UTO Amendments 2015 (State)

SPONSOR(S): Councilor Dimas

SUMMARY: The proposed bill relates to the City of Santa Fe Uniform Traffic Ordinance; creating Section 12-1-5.1 to establish a definition for “autocycle”; amending Section 12-1-37 to include “autocycles” in the definition of “motorcycles”; amending Section 12-7-6 to exempt autocycles from the helmet provisions; and creating a new Section 12-7-8.1 to establish that a motorcycle endorsement is not required for autocycle operation.

PREPARED BY: Rebecca Seligman, Legislative Liaison Assistant

FISCAL IMPACT: No

DATE: October 29, 2015

ATTACHMENTS: Bill
FIR

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2015-__

3 INTRODUCED BY:

4
5 Councilor Bill Dimas

6
7
8
9
10 AN ORDINANCE

11 RELATING TO THE CITY OF SANTA FE UNIFORM TRAFFIC ORDINANCE;
12 CREATING SECTION 12-1-5.1 TO ESTABLISH A DEFINITION FOR "AUTOCYCLE";
13 AMENDING SECTION 12-1-37 TO INCLUDE "AUTOCYCLES" IN THE DEFINITION OF
14 "MOTORCYCLES"; AMENDING SECTION 12-7-6 TO EXEMPT AUTOCYCLES FROM
15 THE HELMET PROVISIONS; AND CREATING A NEW SECTION 12-7-8.1 TO
16 ESTABLISH THAT A MOTORCYCLE ENDORSEMENT IS NOT REQUIRED FOR
17 AUTOCYCLE OPERATION.

18
19 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

20 Section 1. A new Section 12-1-5.1 of the City of Santa Fe Uniform Traffic
21 Ordinance is ordained to read:

22 12-1-5.1 [NEW MATERIAL] AUTOCYCLE. "Autocycle" means a three-wheeled motorcycle on
23 which the driver and all passengers ride in a completely enclosed, tandem seating area, that is
24 equipped with:

25 (1) federal motor vehicle safety standard glazing;

- 1 (2) a roll cage;
- 2 (3) safety belts for all occupants;
- 3 (4) airbag protection;
- 4 (5) antilock brakes;
- 5 (6) a steering wheel; and
- 6 (7) pedals. (66-1-4.1 NMSA 1978)

7 **Section 2. Section 12-1-37 of the City of Santa Fe Uniform Traffic Ordinance**
8 **(being Ord. #2006-34) is amended to read:**

9 **12-1-37 MOTORCYCLES.** Motorcycle means every motor vehicle having a seat or saddle
10 for the use of the rider and designated to travel on not more than three wheels in contact with the
11 ground, including autocycles and excluding a tractor. (66-1-4.11 NMSA 1978)

12 **Section 3. Section 12-7-6 of the City of Santa Fe Uniform Traffic Ordinance (being**
13 **Ord. #2006-34) is amended to read:**

14 **12.7-6 MANDATORY USE OF PROTECTIVE HELMET.**

15 A. No person under the age of eighteen shall operate a motorcycle unless he is wearing a
16 safety helmet securely fastened on his head in a normal manner as headgear and meeting the
17 standards authorized by 66-7-356 NMSA 1978. No dealer or person who leases or rents motorcycles
18 shall lease or rent a motorcycle to a person under the age of eighteen unless the lessee or renter shows
19 such person a valid operator's license or permit and possesses the safety equipment required of an
20 operator who is under the age of eighteen. No person shall carry any passenger under the age of
21 eighteen on any motorcycle unless the passenger is wearing a securely fastened safety helmet, as
22 specified in this section, meeting the standards specified by the [~~director~~] secretary.

23 B. Failure to wear a safety helmet as required in this section shall not constitute
24 contributory negligence.

25 C. Autocycles are exempted from the helmet provisions of this section.

1 (66-7-356 NMSA 1978)

2 **Section 4. A new Section 12-7-8.1 of the City of Santa Fe Uniform Traffic**
3 **Ordinance is ordained to read:**

4 **12-7-8.1 [NEW MATERIAL] MOTORCYCLE ENDORSEMENT NOT REQUIRED FOR**
5 **AUTOCYCLE OPERATION.** Autocycles shall be registered as motorcycles and proof of financial
6 responsibility may characterize them as motorcycles, but a driver shall not be required to have a
7 motorcycle endorsement to operate an autocycle. (66-3-1.4 NMSA 1978)

8
9 APPROVED AS TO FORM:

10 
11 _____
12 KELLEY A. BRENNAN, CITY ATTORNEY

**City of Santa Fe
Fiscal Impact Report (FIR)**

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

Section A. General Information

(Check) Bill: X Resolution: _____

(A single FIR may be used for related bills and/or resolutions)

Short Title(s): AN ORDINANCE RELATING TO THE CITY OF SANTA FE UNIFORM TRAFFIC ORDINANCE; CREATING SECTION 12-1-5.1 TO ESTABLISH A DEFINITION FOR "AUTOCYCLE"; AMENDING SECTION 12-1-37 TO INCLUDE "AUTOCYCLES" IN THE DEFINITION OF "MOTORCYCLES"; AMENDING SECTION 12-7-6 TO EXEMPT AUTOCYCLES FROM THE HELMET PROVISIONS; AND CREATING A NEW SECTION 12-7-8.1 TO ESTABLISH THAT A MOTORCYCLE ENDORSEMENT IS NOT REQUIRED FOR AUTOCYCLE OPERATION.

Sponsor(s): Councilor Dimas

Reviewing Department(s): City Attorney's Office

Persons Completing FIR: Rebecca Seligman / Jesse Guillen Date: 10/29/15 Phone: 955-6518

Reviewed by City Attorney: *Kelly A. Brennan* Date: 10/29/15
(Signature)

Reviewed by Finance Director: *[Signature]* Date: 10-29-2015
(Signature)

Section B. Summary

Briefly explain the purpose and major provisions of the bill/resolution:

The proposed bill makes amendments to the City of Santa Fe Uniform Traffic Code, which were passed by state law during 2015.

Section C. Fiscal Impact

Note: Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)*

1. Projected Expenditures:

- a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
- b. Indicate: "A" if current budget and level of staffing will absorb the costs
"N" if new, additional, or increased budget or staffing will be required
- c. Indicate: "R" – if recurring annual costs
"NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
- d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
- e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

Finance Director: _____

X Check here if no fiscal impact

Column #:	1	2	3	4	5	6	7	8
	Expenditure Classification	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

Personnel*	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Fringe**	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Capital Outlay	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Land/ Building	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Professional Services	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
All Other Operating Costs	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Total:	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____

* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. **For fringe benefits contact the Finance Dept.

2. Revenue Sources:

- a. To indicate new revenues and/or
- b. Required for costs for which new expenditure budget is proposed above in item 1.

Column #:	1	2	3	4	5	6
	Type of Revenue	FY _____	"R" Costs Recurring or "NR" Non-recurring	FY _____	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

_____	\$ _____	_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____	_____
Total:	\$ _____	_____	\$ _____	_____	_____	_____

3. Expenditure/Revenue Narrative:

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

No fiscal impact

Section D. General Narrative

1. Conflicts: Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

None of which staff is aware

2. Consequences of Not Enacting This Bill/Resolution:

Are there consequences of not enacting this bill/resolution? If so, describe.

If this bill is not passed, state UTO amendments cannot be incorporated in the City of Santa Fe UTO.

3. Technical Issues:

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

No

4. Community Impact:

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

The resolution will update the City of Santa Fe Uniform Traffic Ordinance in compliance with the State UTO.

Form adopted: 01/12/05; revised 8/24/05; revised 4/17/08