

**CITY of ALBUQUERQUE
TWENTY FIFTH COUNCIL**

COUNCIL BILL NO. C/S O-23-71 **ENACTMENT NO.** _____

SPONSORED BY: Pat Davis, Tammy Fiebelkorn, and Klarissa Peña

1 **ORDINANCE**
2 **AMENDING CHAPTER 7 ARTICLE 2, SECTION 1 OF THE TRANSIT ORDINANCE**
3 **TO ESTABLISH THE PERMANENT ZERO FARE ON ALBUQUERQUE RAPID**
4 **TRANSIT AND ZERO FARE FOR SUN VAN SERVICE THROUGH THE TRANSIT**
5 **DEPARTMENT’S QUALIFICATION PROCESS; EXPANDING CHAPTER 12**
6 **ARTICLE 2, SECTION 19 OF THE CRIMINAL CODE RELATED TO OFFENSES**
7 **RELATING TO PUBLIC ORDER AND SAFETY**

8 **WHEREAS, the City of Albuquerque operates ABQ Ride and Sun Van**
9 **Paratransit which provide transit services to the Citizens of Albuquerque and**
10 **Bernalillo County, providing millions of rides a year to people of all abilities;**
11 **and**

12 **WHEREAS, public transit exists as a public service that provides a**
13 **mobility option for those who either forgo the use of a personal vehicle for any**
14 **number of reasons, including financial situations, a desire to reduce one’s**
15 **environmental impact, or whose disabilities prevent them from using a**
16 **personal vehicle; and**

17 **WHEREAS, these services are not only a low-emissions and zero fare**
18 **alternative to automobiles for commuters and disabled individuals who are**
19 **unable to operate a private vehicle, but they are the primary means of transport**
20 **for tens of thousands of persons who qualify as “Transit Dependent” in**
21 **Bernalillo County as defined by the Federal Transit Administration of the United**
22 **States Department of Transportation; and**

23 **WHEREAS, providing all members of the community access to free**
24 **transit services furthers the City of Albuquerque’s commitment to transit equity;**
25 **and**

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1 WHEREAS, the people of Albuquerque, through the City of Albuquerque,
2 completed a significant investment to develop an easily accessible rapid transit
3 bus system along Central Avenue, and the best way for them to benefit from its
4 services is by offering them free access; and

5 WHEREAS, a zero-fare model alleviates the need to staff the rear-door of
6 an ART Motor-coach to verify passengers have paid their fares; and

7 WHEREAS, the City of Albuquerque has provided free transit service on
8 Albuquerque Rapid Transit for most of the line’s operation since its initial
9 operation date of November 30, 2019 and the City Council has determined that
10 permanent free transit service should be offered to riders on this route; and

11 WHEREAS, to ensure that transit service is equally accessible to people
12 of all abilities, the City Council and Transit Department have determined that
13 Sun Van services should also be free; and

14 WHEREAS, the City Council and Transit Department have identified
15 strategies for streamlining the qualification process for accessing Sun Van
16 services that remains in compliance with Federal Transit Administration
17 Americans with Disabilities Act Para-Transit requirements and standards; and

18 WHEREAS, offering a zero-fare paratransit service is critical to ensuring
19 access for disabled persons to medical care, economic opportunities, and
20 socializing events and such a service helps foster an equitable community by
21 increasing access to jobs, activities, and commerce for individuals who are
22 unable to access these opportunities otherwise; and

23 WHEREAS, as more zero-fare bus service is offered throughout the city,
24 there will likely be a greater demand for adequate security officer staffing, along
25 with proper enforcement mechanisms in order to ensure public safety; and

26 WHEREAS, as security officers assume more duties and responsibilities
27 on buses, at bus stops, and at bus stations, they will also be subject to a wider
28 variety of disturbances that require a broader range of enforcement procedures
29 that are allowed within their authority as security officers.

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

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1 SECTION 1. Section §7-2-1-1 ROA 1994, “FARES AND PASSES,” is
2 amended by inserting new paragraphs (A) and (B) and re-lettering all
3 subsequent paragraphs accordingly:

4 “[+(A) The Albuquerque Rapid Transit Lines shall be free.
5 (B) Regular Fare Sun Van, shall be a free fare upon qualification for the
6 service through the Transit Department’s Qualification Process.+]”

7 SECTION 2. Section §12-2-19 ROA 1994, “RESISTING, OBSTRUCTING OR
8 REFUSING TO OBEY AN OFFICER,” is amended by inserting paragraph (B)
9 and re-lettering all subsequent paragraphs accordingly:

10 “[+(B) Knowingly obstructing, resisting or opposing any individual
11 employed by the City for the purposes of maintaining security within the city,
12 City facilities and/or the City’s transit system, including City buses and bus
13 stops; or +]”

14 SECTION 3. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
15 clause, word or phrase of this ordinance is for any reason held to be invalid or
16 unenforceable by any court of competent jurisdiction, such decision shall not
17 affect the validity of the remaining provisions of this ordinance. The Council
18 hereby declares that it would have passed this ordinance and each section,
19 paragraph, sentence, clause, word or phrase thereof irrespective of any
20 provision being declared unconstitutional or otherwise invalid.

21 SECTION 3. COMPILATION. Sections 2-6 of this ordinance shall be
22 incorporated in and made part of the Revised Ordinances of Albuquerque,
23 New Mexico, 1994.

24 SECTION 4. EFFECTIVE DATE. This ordinance takes effect five days after
25 publication by title and general summary.

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