

CITY of ALBUQUERQUE

TWENTY FIFTH COUNCIL

COUNCIL BILL NO. O-23-89 ENACTMENT NO. O-2023-028

SPONSORED BY: Tammy Fiebelkorn, Pat Davis, Klarissa Peña

1 **ORDINANCE**

2 **AMENDING SECTIONS §7-2-1-1 THROUGH §7-2-1-3 OF THE TRANSIT SYSTEM**
3 **ORDINANCE, CREATING A ZERO-FARE STRUCTURE.**

4 **WHEREAS, the City of Albuquerque Transit Department operates the**
5 **Albuquerque Rapid Transit, Sun Van, and Fixed-Route services, providing**
6 **transit services to the Citizens of Albuquerque and Bernalillo County, and is**
7 **projected to transport over 7,500,000 riders in Fiscal Year 2024; and**

8 **WHEREAS, public transit exists as a public service that provides a**
9 **mobility option for those who forgo the use of a personal vehicle for any**
10 **number of reasons including financial situations, differing abilities, or a desire**
11 **to reduce one's environmental impact, or whose disabilities prevent them from**
12 **accessing public transit; and**

13 **WHEREAS, these services are a low-emissions, climate-friendly, and**
14 **Zero-Fare alternative to automobiles for commuters and disabled individuals**
15 **who are unable to operate a private vehicle; and**

16 **WHEREAS, public transit is the primary means of transport for tens of**
17 **thousands of persons who qualify as "Transit Dependent" in Bernalillo County**
18 **as defined by the Federal Transit Administration of the United States**
19 **Department of Transportation; and**

20 **WHEREAS, cities such as Boston, Denver, Kansas City, Philadelphia,**
21 **and San Francisco have been experimenting with Zero-Fare since 2019 when**
22 **Kansas City became the first major U.S. city to approve a fare-free public**
23 **transit system; and**

24 **WHEREAS, the Zero-Fare movement has garnered support among**
25 **business groups, environmental advocates, and social justice organizations**
26 **across the country who attest that free access to public transit supports local**

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1 economies, mitigates climate change, and provides a critical service for many
2 individuals to carry out their day to day lives; and

3 WHEREAS, since 2017, the Administration and the City Council have
4 exercised extensive due diligence in developing a Zero-Fare system and have
5 enacted multiple pieces of legislation to test and implement Zero-Fares
6 including:

7 • In 2017, the City Council enacted C/S R-17-243, implementing a fare free
8 zone for buses inbound to the Alvarado Transportation Center.

9 • In March 2020, the City Council enacted the FY21 City Budget Priority
10 Resolution (R-20-21), including a Public Infrastructure Priority aimed at
11 transitioning to a system-wide, year-round fare free program for ABQ Ride
12 building on the Mayor's summer bus pass program for youth.

13 • In April 2021, the City Council enacted the FY22 Operating Budget
14 Resolution (R-21-147), creating a non-recurring allocation of \$3,000,000 to
15 Transit Operating Fund (661) for the purpose of continuing Zero-Fares for
16 ABQ Ride through June 30, 2022.

17 • In September 2021, the City Council amended the FY22 One-Year
18 Objectives Resolution (R-21-148) with the enactment of R-21-173, amending
19 R-21-147 to extend the Zero-Fare Pilot Program to December 31, 2022. R-21-
20 148 also established an objective to submit a report to Council that monitored
21 the impact to ridership volumes, cost of implementation at the system wide
22 level and by operating hour, and a review of security calls per route and by
23 type.

24 • In September 2021, the City Council enacted O-21-67, amending Section
25 7-2-1-2 of the Transit System Ordinance and creating a new Section 7-2-1-3,
26 suspending the enforcement of the violation of a person using the transit
27 system for failure to pay the applicable fare until the end of the Zero-Fare
28 Pilot Program.

29 • In September 2021, the City Council enacted R-21-178, clarifying that the
30 intent of including \$3,000,000 in non-recurring funding in R-21-147 was to
31 implement the Zero-Fare Pilot Program through June 30, 2022.

1 • In December 2021, the City Council enacted R-21-233, approving the
2 Transit Department's Equity Analysis for implementing the Zero-Fare Pilot
3 Program.

4 • In February 2023, the City Council enacted O-22-47 the "Albuquerque
5 Transit Security and Equitable Access Ordinance." The Ordinance executed
6 the following:

7 - Extended the Zero-Fare Pilot until a full twelve-month test was
8 completed and a City staff and stakeholder Technical Team issued an
9 evaluation report to the Mayor and the City Council in Fall of 2023; and

10 - Amended Chapter 7 Article 2, Section 1 of the Transit
11 Ordinance, and required security planning and fare and access studies to
12 improve accessibility and security.

13 • Since the enactment of O-22-47, the following legislation has been
14 enacted to ensure the safety of riders in the process of making the City's
15 entire transit system permanently free:

16 - In January 2023, the City Council enacted R-22-95, which
17 approved the Equity Analysis for the implementation of O-22-47.

18 - In April 2023, the City Council enacted O-23-71, which
19 amended Chapter 7 Article 2, Section 1 of the Transit Ordinance to establish
20 Permanent Zero-Fares on Albuquerque Rapid Transit and Sun Van Service
21 through the Transit Department's Qualification Process, and expanded
22 Chapter 12 Article 2, Section 19 of the Criminal Code related to offenses
23 relating to public order and safety; and

24 - In April 2023, the City Council enacted R-23-120, which
25 approved the Transit Department's Equity Analysis for O-23-71 for making
26 fares permanently free for Albuquerque Rapid Transit and Sun Van services.

27 WHEREAS, in September 2023, the Technical Team responsible for
28 reviewing the Zero-Fare Pilot Program (per O-22-47) transmitted an Evaluation
29 Report (per O-22-47) to the Administration, City Council, and the Transit
30 Department. The report concluded the outcomes of the Zero-Fare Pilot Project
31 substantiate the establishment of permanent Zero-Fares for Transit
32 Department Transit Services which includes Albuquerque Rapid Transit, Sun
33 Van, and Fixed-Route services; and

1 WHEREAS, the Zero-Fare Technical Team met 6 times between March
2 and May 2023 and was comprised of community representatives from
3 organizations including Albuquerque Health Care for the Homeless and the
4 Transit Advisory Board and also included City of Albuquerque staff from the
5 Office of Equity and Inclusion, City Council Services, and ABQ Ride; and

6 WHEREAS, the Technical Team focused on three aspects of the Zero-
7 Fare Pilot Program in its Evaluation Report: 1) Operational Expenses, 2)
8 Ridership Demographics, and 3) Security/Cleanliness. Key recommendations
9 outlined in the Evaluation Report that supported the Technical Team's
10 recommendation to make Zero-Fare permanent were as follows:

11 • Operational Expenses: Reinstating fares and a pass system would
12 result in a net revenue loss of \$1,785,000, which is about 3% of the Transit
13 Department's Operating Budget (\$58 million).

14 • Ridership Demographics: The Transit Department's On-Board Survey
15 results collected in Spring and early Summer of 2022, during the pilot
16 program, indicated that 88% of riders had household incomes of less than
17 \$35,000 per year and 89% of riders either did not have vehicles or have
18 available access to vehicles. The survey also indicated that 61% of rides were
19 for the purpose of performing necessary daily functions, in the categories of
20 work (28%), shopping (19%), college/university/school (6%), medical (4%), and
21 other business related (4%).

22 • Security/Cleanliness: Safety and security data collected by ABQ Ride,
23 Metro Security, and the Albuquerque Police Department (APD) identified the
24 following during the pilot program: 1) there was no increase in violent crime
25 including assault, battery, disorderly conduct, and sexual assault, 2) 69% of
26 security incidents happened outside of fare-controlled areas (such as at bus
27 stops and transit centers), and 3) narcotic incidents and loitering incidents did
28 increase, though the narcotics increase may be related to an increase in the
29 overall narcotics challenges facing Cities across the country. For example, the
30 following transit systems are not Zero-Fare systems but also experienced a
31 significant increase in illegal narcotics incidences:

1 - In February of 2022 the Seattle Times reported that drugs on
2 the transit system's buses have become an everyday hazard for area transit
3 workers.

4 - In August of 2022 the Portland Mercury reported that the Tri-
5 Met system experienced a 41% increase in narcotics calls.

6 - In February of 2023 the Los Angeles Time reported that in
7 2022, 20 passengers passed away from narcotics episodes on the transit
8 system and 21 narcotics fatalities occurred during the first two months of
9 2023. Further, in 2022 drug use complaints to the transit system's application
10 more than doubled; and

11 - In January of 2023 the Minneapolis Star Tribune reported that
12 in 2022 narcotics complaints increased by 192% on the transit system.

13 WHEREAS, to continue ensuring the safety of the Transit Department's
14 passengers and staff and assist Metro Security and APD, the Transit
15 Department has implemented the following safety measures:

- 16 • Weekly Security meetings with ABQ RIDE, Metro Security, APD,
17 Albuquerque Community Safety, Office of Equity and Inclusion, and the
18 Bernalillo County Sheriff's Department.
- 19 • Began a proactive approach to public engagement.
- 20 • Installed visual safety messages on each bus.
- 21 • Implemented an on-board audio message that reminds passengers of
22 the "Rules to Ride."
- 23 • Improved lighting at the Transit Department's five bus stations and is
24 testing new lighting configurations at several shelters.
- 25 • Granted full access to the Real Time Crime Center and Narcotics Unit
26 for more than 2,600 cameras on buses and facilities.
- 27 • Reactivated "Emergency Security Call Buttons" at each ART station.
- 28 • In collaboration with the APD, removed shelters that were attracting
29 unlawful behavior.
- 30 • Studying and testing an application that will allow passengers to report
31 an incident in real time to Security in a safe manner.

- 1 • Enforcing the City Council update to §7-2-2-1, making it illegal to loiter
- 2 at bus stops, bus shelters, ART platforms, and transit facilities.
- 3 • The Transit Department's Dispatch Center is actively monitoring ART
- 4 platforms and when inappropriate activity, loitering or trash is detected, APD,
- 5 Metro Security or Transit Maintenance are notified to address the issue; and
- 6 • APD has created a Transit Unit, to provide sworn police officers support
- 7 to Metro-Security's Transit Security Unit.

8 WHEREAS, the results of the Zero-Fare Pilot Program indicate there will
9 still be no reduction of service due to the provision of additional funding to
10 cover lost revenue, and that the enactment of this Ordinance is reaffirming the
11 findings of the Transit Department's previous Equity Analysis (R-21-233); and

12 WHEREAS, after compiling the results of the Zero-Fare Pilot Program
13 across these three focus areas, it is the recommendation of the Technical
14 Team to make fares permanently free for its Albuquerque Rapid Transit, Sun
15 Van, and Fixed-Route services.

16 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
17 ALBUQUERQUE:

18 SECTION 1. Delete Section §7-2-1-1 ROA 1994, "FARES AND PASSES," and
19 replace with a new section as follows:

20 "§7-2-1-1 DEFINITIONS. For the purpose of this article, the following definitions
21 shall apply unless the context clearly indicates or requires a different meaning.

22 TRANSIT DEPENDENT PASSENGER. A person without an independent
23 source of transportation who relies on public transit for local movement
24 access.

25 ZERO-FARE. A transit fare fully funded by means other than collecting
26 fares from passengers, enabling a passenger to board transit vehicles without
27 paying a fare or presenting a pass."

28 SECTION 2. Delete Section §7-2-1-2 ROA 1994, "ZERO-FARE PILOT," and
29 replace with a new section as follows:

30 "§7-2-1-2 FARES

31 (A) *ABQ Ride or Regular Bus Route Service*. Shall be Zero-Fare.

32 (B) *Albuquerque Rapid Transit Service*. Shall be Zero-Fare.

33 (C) *Sun Van Paratransit Service*. Shall be Zero-Fare.

1 (D) *Event and Premium Service Fares*. For the purpose of providing transit
2 service for special events or premium services, the Chief Administrative Officer
3 may establish, for a period of up to 180 days, fares for the specified limited
4 services as long as it does not adversely affect Transit Dependent Populations
5 as defined in §7-2-1-1 of this article.”

6 SECTION 3. §7-2-1-3 VIOLATION is amended as follows:

7 “It shall be a violation of §7-2-1-2(D) for any person using the transit system to
8 fail to pay an event or premium service fare. Any person in violation of §7-2-1-
9 2(D) is guilty of a misdemeanor and subject to the penalty provisions set forth
10 in §1-1-99 ROA 1994.”

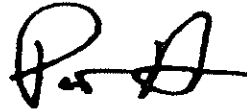
11 SECTION 4. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
12 clause, word or phrase of this ordinance is for any reason held to be invalid or
13 unenforceable by any court of competent jurisdiction, such decision shall not
14 affect the validity of the remaining provisions of this ordinance. The Council
15 hereby declares that it would have passed this ordinance and each section,
16 paragraph, sentence, clause, word or phrase thereof irrespective of any
17 provision being declared unconstitutional or otherwise invalid.

18 SECTION 5. COMPILATION. Sections 1-3 of this ordinance shall be
19 incorporated in and made part of the Revised Ordinances of Albuquerque,
20 New Mexico, 1994.

21 SECTION 6. EFFECTIVE DATE. This ordinance takes effect five days after
22 publication by title and general summary.
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1 PASSED AND ADOPTED THIS 8th DAY OF November, 2023
2 BY A VOTE OF: 6 FOR 3 AGAINST.

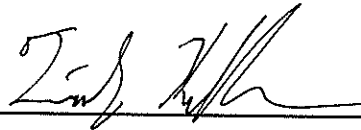
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4 FOR: Bassan, Benton, Davis, Fiebelkorn, Jones, Peña
5 AGAINST: Grout, Lewis, Sanchez
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10 Pat Davis, President
11 City Council
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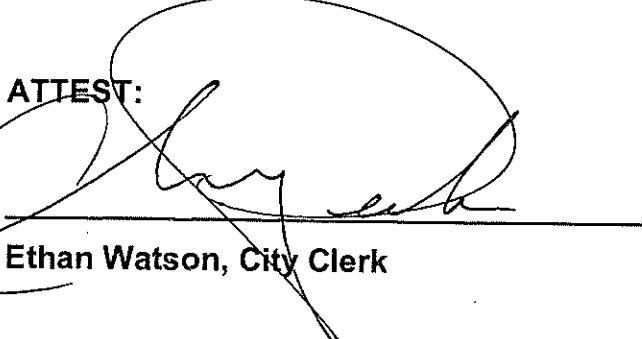
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14 APPROVED THIS 21 DAY OF November, 2023
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18 Bill No. O-23-89
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23 Timothy M. Keller, Mayor
24 City of Albuquerque
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27 ATTEST:
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30 Ethan Watson, City Clerk
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