

**CITY of ALBUQUERQUE  
TWENTY FIFTH COUNCIL**

COUNCIL BILL NO. O-22-47 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Klarissa Peña and Dan Lewis

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1 ORDINANCE  
2 AMENDING 7-2-1-1 THE TRANSIT FARES ORDINANCE TO IMPROVE TRANSIT  
3 ACCESS TO ALL PERSONS WHILE PROVIDING ACCOUNTABILITY. CREATING  
4 A NEW SECTION 7-2-1-3, OF THE TRANSIT SYSTEM ORDINANCE TO  
5 CONCLUDE THE ZERO FARE PILOT PROJECT DECEMBER 30<sup>TH</sup>, 2022, AND  
6 CREATING A SECTION 2-11-20 OF THE BUDGET ORDINANCE TO CREATE AN  
7 OPERATING FUND FOR MOTOR COACH AND PARATRANSIT VEHICLE  
8 OPERATOR SALARIES. ESTABLISHING RULES FOR ISSUING TRANSIT  
9 PASSES, REQUIRING A STUDY TO DEVELOP A TRANSIT PASS MANAGEMENT  
10 PROGRAM, DEVELOPMENT OF A LONG-TERM SECURITY PLAN, FOR THE  
11 OPERATIONS AND FACILITIES OF THE ALBUQUERQUE TRANSIT  
12 DEPARTMENT, REQUIRING A TRANSIT SYSTEM SECURITY INCIDENT  
13 RESPONSE TACTICAL PLAN, QUARTERLY REPORTING OF SECURITY CALLS  
14 FOR SERVICE IN THE TRANSIT SYSTEM, AND MAKING AN APPROPRIATION.  
15 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
16 ALBUQUERQUE:

17 WHEREAS, the City of Albuquerque operates Albuquerque Ride and Sun  
18 Van Paratransit which tender transit services to the Citizens of Albuquerque  
19 and Bernalillo County, providing millions of rides a year; and

20 WHEREAS, these services are a low-emissions and zero fare alternative  
21 to automobiles for commuters, and are the primary means of transport for tens  
22 of thousands of persons who qualify as “Transit Dependent’ in Bernalillo  
23 County by the Federal Transit Administration of the United States Department  
24 of Transportation; and

25 WHEREAS, the City of Albuquerque initiated a system wide free fare transit  
26 Pilot Project January 1<sup>st</sup>, 2022 that will expire on December 31, 2022; and

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1 WHEREAS, according to the free fare transit report produced by the City,  
2 the free fare program appeared to have resulted in a 25% increase in calls for  
3 security service at bus stops and on buses in just the first quarter of 2022; and

4 WHEREAS, New Mexico’s Attorney General’s office reported that  
5 shoplifters utilized city buses as their get-away vehicle. The Attorney General  
6 believes this misuse of the transit system is the result of the free fare pilot  
7 program, stating in a press interview; “I think that the no fee for riders seemed  
8 like a well-intentioned policy, but there has to be safety requirements in other  
9 words, you can’t just let everyone on the bus with stolen equipment. “I’m very  
10 concerned for families and the elderly that are doing no criminal activity but  
11 now have to defend themselves’ .... those precautions need to include  
12 protecting bus drivers who are faced with this kind of behavior daily”; and

13 WHEREAS, since the inception of free fares, some motor coach operators  
14 have left employment with the City citing safety concerns which further  
15 exacerbates the driver shortage; and

16 WHEREAS, though free fare programs have been successful for a number  
17 of transit agencies, other transit systems have experienced security  
18 challenges. Anecdotal and official data from the Capital Transit System in  
19 Austin, Texas suggest that lacking additional and robust security programs on  
20 these two transit systems that problem riders increased substantially and  
21 drove away other riders including regular bus commuters; and

22 WHEREAS, as with other transit agencies throughout the United States,  
23 security on board Albuquerque Ride Coaches, Sun Van Paratransit Vehicles, at  
24 bus stops and at transit stations, is becoming of increasing concern, to both  
25 the drivers of transit vehicles and passengers. These concerns, if left  
26 unattended, will overtime deter passengers from using transit and impede the  
27 recruitment and retention of motor-coach and paratransit vehicle operators;  
28 and

29 WHEREAS, an important management tool of public safety is the  
30 maintenance of high visibility facilities and equipment in prime condition to  
31 encourage patrons to use the asset constructively and not in a destructive  
32 manner. The Transit Department manages a large number of bus stops with  
33 benches, and bus shelters and ART Bus Stations. Providing premium

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1 maintenance for these stations is necessary to deter loitering and vandalism,  
2 and to promote comfort and enjoyment by the public; and

3 WHEREAS, it is imperative that the City of Albuquerque develop and  
4 implement a strategy to address security concerns on the transit system,  
5 including, creating near term, action plans to improve responses to incidents  
6 on transit vehicles, at bus stops and transit stations, better tracking and  
7 analyzing individual security incidents, security incident trends, and developing  
8 and implementing a long-term public transit safety strategy; and

9 WHEREAS, for these reasons the City should act proactively and the free  
10 fare pilot program should sunset before the end of the calendar year; and

11 WHEREAS, the City of Albuquerque’s Transit Fare Schedule includes over  
12 30 different fares. Simplifying the fare schedule to a few passes would improve  
13 access to transit as an alternative to the City’s current walk-on free fare  
14 system. There would be multiple benefits to a pass system that helps provide  
15 accountability amongst riders while also offering the benefits of free fares; and

16 WHEREAS, for more than a decade the City Transit Department has been  
17 unable to staff a full complement of motor coach and paratransit van operators  
18 due to below market pay scales. In recent years the operator vacancy rate has  
19 reached twenty five percent, requiring the department to reduce the number of  
20 motor coaches serving bus routes, creating long wait times between bus  
21 arrivals, and diminishing the quality of the City’s transit service; and

22 WHEREAS, for the success and long-term sustainability of the  
23 Albuquerque Transit System it is imperative the City establish competitive pay  
24 scales and a safe operating environment for motor-coach and paratransit van  
25 operators.

26 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
27 ALBUQUERQUE:

28 SECTION 1. Section 7-2-1-1 ROA 1994, “FARES AND PASSES,” amended to  
29 by deleting the existing language and inserting the following language:

30 “[+The following fares shall be charged by the City for transportation services  
31 by the Albuquerque Transit System:

32 A) Regular Fare. \$1.00

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1        (B) ABQ Ride and Sun Van Pass: A unified Albuquerque Ride Pass is  
2 created for all users of the City’s ABQ Ride Transit System and Sun Van  
3 Paratransit service. The pass shall provide free fare to the holder of the card  
4 and shall have 36-month term. Sun Van patrons must qualify for the Sun Van  
5 Program to be able to use the pass for that service. The pass shall not apply for  
6 shuttle services the Transit Department provides for special events unless the  
7 Director of the Transit Department determines the pass shall be valid for the  
8 event.

9        (C) Experimental Fares. For establishing revenue potential of new types of  
10 transit services, experimental fares, products or changes may be implemented  
11 for periods of up to 180 days by the city's Chief Administrative Officer, who  
12 may establish the amount to be charged, as long as it does not adversely affect  
13 the price paid by vulnerable populations as described above.

14        (D) Children under the age of 5 ride free

15        (E) Distribution of passes:

16        (1) A person acquiring a bus pass from the Department shall be required  
17 to provide a photo identification card that can include a New Mexico driver’s  
18 license, a state issued identification card, a student identification card, an  
19 employer identification card or other photo identification card determined  
20 acceptable by the Director of the Transit Department. If a person does not have  
21 a photo Identification card, they may provide a non-photo identification card to  
22 obtain a one-month non-renewable interim ABQ Ride and Sun Van Pass.

23        (2) The applicant or the issuer of the card shall complete an application  
24 that includes the name of the person to whom the pass is issued, a photo of  
25 both sides of their identification card and other information the Transit  
26 Department requires for the orderly management of a bus fare pass system.  
27 The application shall have a tracking number and coincide with the tracking  
28 number on the card.

29        (3) The Transit Department shall develop a pass distribution program that  
30 establishes participating social agencies, large employers and schools, public  
31 library’s, senior citizen centers and community centers and other entities as  
32 approved by the Director of the Transit Department as distributors of transit  
33 passes.+]”

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1 SECTION 2. A new Section §2-11-20 is created.

2 +(1) An Enterprise Fund for Motor Coach and Para-Transit Operator  
3 Salaries and benefits shall be created. Funds allotted to this fund may be used  
4 only to increase salaries and benefits for Transit Motor Coach and Para-Transit  
5 Operators.

6 (2) All net revenue from transit fares shall be appropriated to the  
7 enterprise fund created through §2-11-20.+]

8 SECTION 2. The Free Fare Pilot Program established in §7-2-1-2, will  
9 conclude December 31st, 2022, and the fare schedule and established in §7-2-  
10 1-1, as amended herein, will be reinstated January 1st, 2023.

11 SECTION 3. The Administration shall by January 31, 2023, submit to  
12 Council for its receipt a post mortem report on the “Free Fare Pilot Project”.  
13 The document shall report on the impacts of the project on transit system  
14 security, ridership, rolling stock maintenance and operations, and operational  
15 expenses. The report should evaluate whether other viable options for free  
16 fares may exist that would better insulate against security issues.

17 SECTION 4. The Department in Fiscal Year 2024 shall conduct a study to  
18 identify the feasibility of developing a fare-box pass system, that includes user  
19 photos on the pass, on fare box and pass card technology that enables the on  
20 board farebox to record the time, date, route, transit vehicles, and boarding  
21 location each time a pass is used to board an ABQ Ride motor-coach or Sun  
22 Van paratransit vehicle. The study should also review the feasibility of allowing  
23 patrons to obtain an on-line E-pass using a mobile electronic device.

24 SECTION 5. To address the increasing security issues on the City’s Transit  
25 and Paratransit System the City Administration shall develop a short-range  
26 tactical plan, a long-range security program and a security incident tracking  
27 system to respond to security calls for service on Albuquerque Ride motor  
28 coaches, Sun Van paratransit vehicles, and at bus stops and transit stations.  
29 This effort shall be a collaborative effort amongst relevant City Departments,  
30 which may include but is not limited to, the Albuquerque Police Department,  
31 the Metro Security Division of the Department of General Services, the  
32 Albuquerque Transit Department, the Albuquerque Community Safety  
33 Department. The Bernalillo County Sheriff’s Department shall be invited to

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1 participate in this initiative as the Transit Department operates routes in  
2 unincorporated Bernalillo County.

3 A. Tactical Plan. The tactical plan shall:

- 4 a. Address all levels of calls ranging from low priority incidences  
5 to higher priority situations where health and safety are at risk for  
6 motor coach and van operators and passengers.
- 7 b. Develop a procedure, to prevent access to transit by individuals  
8 who have been abusive or dangerous toward drivers or the  
9 public, on an ABQ RIDE motor-coach, a Sun Van paratransit  
10 vehicle, at bus stop, or a transit station, by causing them to lose  
11 access to transit for an appropriate period of time via a trespass  
12 citation or other appropriate means. The procedure shall also  
13 include a process for:
  - 14 i. Distributing to relevant Transit Department personnel a  
15 continually updated list of persons who have lost their  
16 access to the transit system.
  - 17 ii. A program for training Transit Department personnel on  
18 the procedures to follow when they encounter attempted  
19 bus usage by an individual who has lost their access.
  - 20 iii. A list of procedures for removing a person who has lost  
21 access from an ABQ Ride motor-coach, a Sun Van  
22 paratransit vehicle a bus stop or transit station or other  
23 facility.
- 24 c. The plan shall layout a process to most effectively utilize video  
25 and communications technologies currently embedded on the  
26 motor-coach and paratransit fleet to improve communications  
27 between the motor-coach operators, the Transit Department’s  
28 Operations Center, and the Metro Security Division, the  
29 Albuquerque Police Department and Albuquerque Community  
30 Safety Department.

31 The tactical plan shall be communicated to the Director of the City  
32 Council Services Division through an Interoffice-Memo thirty days after the  
33 publishing of this Ordinance.

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1           **B. Long Range Security Program. The Albuquerque Transit Department,**  
2           **the Albuquerque Police Department, the Metro Security Division of the**  
3           **Department of General Services, and the Albuquerque Community**  
4           **Safety Department with the assistance for the City Council Services**  
5           **Department shall conduct a study to develop a security program for**  
6           **the Albuquerque Ride Route system and the Sun Van systems, and the**  
7           **Transit Department’s bus stops and transit stations. The study shall**  
8           **include the following objectives:**

- 9           **a. Identify best practices for transit security systems**  
10           **recommended by the Federal Transit Administration.**
- 11           **b. Provide a list of best practices used by transit agencies**  
12           **throughout the United States.**
- 13           **c. Identify an organizational structure for a security organization**  
14           **that respects the culture and traditions of the Albuquerque**  
15           **community and provides an appropriate level of security for the**  
16           **Albuquerque Ride and Sun Van paratransit systems including:**
  - 17           **1) Recommending if security should be a component of the**  
18           **Transit Department or continue to be provided through the**  
19           **services of the Albuquerque Police Department, the**  
20           **Metropolitan Security Division, and the Albuquerque**  
21           **Community Safety Department.**
  - 22           **2) If Transit Security is recommended to be a stand-alone**  
23           **division within the Transit Department, the**  
24           **recommendation should include but is not limited to the**  
25           **following:**
    - 26           **i. If the Division will be a transit security service, or**  
27           **transit police service, or community safety outreach**  
28           **service or a combination of the above,**
    - 29           **ii. If the Division will include a training academy,**
    - 30           **iii. The anticipated budget,**
    - 31           **iv. The appropriate staffing level and pay schedule,**

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- 1 v. If there will be a civilian oversight board for the
- 2 transit security or if it will come under the existing
- 3 Civilian Police Oversight Agency, and
- 4 vi. If the Division will be subject to the CASA with the
- 5 Department of Justice.
- 6 d. An inventory of existing security technologies employed by the
- 7 Transit Department, technology upgrades that would benefit the
- 8 security and safety and the cost to implement the
- 9 improvements.

10 This study shall be communicated to Council via Executive Communication  
11 or Official Communication by May 1st, of 2023.

12 C. The Albuquerque Police Department, the Metro Security Division of the  
13 Department of General Services, the Albuquerque Community Safety  
14 Department and the Albuquerque Transit Department shall, starting in  
15 the 2<sup>nd</sup> quarter of Fiscal Year 23, compile on a quarterly basis,  
16 statistics on calls for security service to Albuquerque Ride motor-  
17 coaches, Sun Van paratransit vehicles, and the bus stops and stations  
18 of the Albuquerque Transit Department. The database shall include  
19 calls for service made to the Metro Security Division, the Albuquerque  
20 Police Department and the Albuquerque Community Safety  
21 Department. The data shall be categorized by the total number of calls  
22 for services by type of incident as classified in the Federal Bureau of  
23 Investigation’s Uniform Crime Reporting System. The data shall also  
24 include the number and types of calls for service by route, including  
25 on motor-coaches, paratransit vans, vbus stops and transit facilities.  
26 The data shall be communicated to the City Council by Executive  
27 Communication within 30 days of the conclusion of the quarterly  
28 reporting period.

29 SECTION 6. That the following amounts are hereby adjusted to the  
30 following programs and funds from fund balance, working capital balance,  
31 and/or revenue for operating City government in Fiscal Year 2023:

32	<u>General Fund-110</u>	
33	Transfer to Transit Operating Fund-661	150,000



1 \$150,000 is designated for the purpose of funding the development of a  
2 fare pass distributors program as described in Section 3 of this Resolution, a  
3 Fare Pass and Fare Box Management Study as described in Section 4 of this  
4 Ordinance and a Transit Security Plan as described in Section 5 of this  
5 Ordinance.

6 SECTION 7. SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
7 clause, word or phrase of this ordinance is for any reason held to be invalid or  
8 unenforceable by any court of competent jurisdiction, such decision shall not  
9 affect the validity of the remaining provisions of this ordinance. The Council  
10 hereby declares that it would have passed this ordinance and each section,  
11 paragraph, sentence, clause, word or phrase thereof irrespective of any  
12 provision being declared unconstitutional or otherwise invalid.

13 SECTION 8. COMPILATION. Section 1 of this ordinance shall be  
14 incorporated in and made part of the Revised Ordinances of Albuquerque,  
15 New Mexico, 1994.

16 SECTION 9. EFFECTIVE DATE. This ordinance takes effect five days after  
17 publication by title and general summary.

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