CITY of ALBUQUERQUE
TWENTY FIFTH COUNCIL

COUNCIL BILL NO. F/S(2) O-22-47 ENACTMENT NO. _____

SPONSORED BY: Klarissa Peña and Dan Lewis

[Bracketed/Underscored Material] - New
[~~Bracketed/Strikethrough Material~~] - Deletion

ORDINANCE

CREATING A FULL ACCESS FOR ALL TRANSIT FARE STRUCTURE AND TRANSIT SECURITY PROCESS, AMENDING SECTIONS 7-2-1-1 AND 7-2-1-2 OF THE TRANSIT FARES ORDINANCE TO IMPROVE TRANSIT ACCESS TO ALL PERSONS WHILE PROVIDING ACCOUNTABILITY; CREATING A NEW SECTION 7-2-1-3, OF THE TRANSIT SYSTEM ORDINANCE TO MODIFY THE ZERO FARE PILOT PROJECT TO A PASS-BASED FREE FAIR PROGRAM BEGINNING JUNE 30TH, 2023, CREATING A SECTION 2-11-20 OF THE BUDGET ORDINANCE TO CREATE AN OPERATING FUND FOR MOTOR COACH AND PARATRANSIT VEHICLE OPERATOR SALARIES; ESTABLISHING RULES FOR ISSUING TRANSIT PASSES, REQUIRING A STUDY TO DEVELOP A TRANSIT PASS MANAGEMENT PROGRAM, DEVELOPMENT OF A SHORT TERM TACTICAL PLAN AND A LONG-TERM SECURITY PLAN, FOR THE OPERATIONS AND FACILITIES OF THE ALBUQUERQUE TRANSIT DEPARTMENT, REQUIRING A TRANSIT SYSTEM SECURITY INCIDENT RESPONSE TACTICAL PLAN AND REPORTING PROCESS, DIRECTING THE ADMINISTATION TO IDENTIFY MEANS TO ASSIST SOCIAL SERVICE AGENCIES TO PROVIDE TRANSIT PASSES AND MAKING AN APPROPRIATION.

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

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

WHEREAS, these services are a low-emissions and zero fare alternative to automobiles for commuters, and are the primary means of transport for tens of thousands of persons who qualify as "Transit Dependent' in Bernalillo County

by the Federal Transit Administration of the United States Department of Transportation; and

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

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

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

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

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

WHEREAS, an important management tool of public safety is the maintenance of high visibility facilities and equipment in prime condition to encourage patrons to use the asset constructively and not in a destructive manner. The Transit Department manages a large number of bus stops with benches, and bus shelters and ART Bus Stations. Providing premium maintenance for these stations is necessary to deter loitering and vandalism, and to promote comfort and enjoyment by the public; and

WHEREAS, it is imperative that the City of Albuquerque develop and implement a strategy to address security concerns on the transit system, including, creating near term, action plans to improve responses to incidents on transit vehicles, at bus stops and transit stations, better tracking and

[Bracketed/Underscored Material] - New
[~~Bracketed/Strikethrough Material~~] - Deletion

analyzing individual security incidents, security incident trends, and developing and implementing a long-term public transit safety strategy; and

WHEREAS, for these reasons the City should act proactively and the free fare pilot program should sunset before the end of the fiscal year 2023 ; and

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

WHEREAS, the Federal Transit Administration Required Equity Analysis to determine the impact of the proposed fare structure on the Transit's Departments Transit System Passenger.

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

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

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

SECTION 1. Section 7-2-1-1 ROA 1994, "FARES AND PASSES," is amended by deleting the existing language and inserting the following language:

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

A) *Regular Fare ABQ Ride,* $1.00.

B) *Regular Fare ABQ Ride $2.00 Day Pass.*

C) *Regular Fare Sun Van, shall be a free fare upon qualification for the service* through the Transit Department's Qualification Process.

[Bracketed/Underscored Material] - New
[~~Bracketed/Strikethrough Material~~] - Deletion

(B) *ABQ Ride and Sun Van Free Fare Pass*: A unified Albuquerque Ride Pass is created for all users of the City's ABQ Ride Transit System and Sun Van Paratransit service. The pass shall provide free fare to the holder of the card and shall have 36-month term. Sun Van patrons must qualify for the Sun Van Program to be able to use the pass for that service. The pass shall not apply for shuttle services the Transit Department provides for special events unless the Director of the Transit Department determines the pass shall be valid for the event. Additionally, the pass shall not apply to any future on-demand or micro-transit services. The transit department has discretion to charge a nominal fee for replacement cards during the 36-month term.

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

(D) Automatic Free Fare Riders;

(1) Children under the age of 10,

(1) Valid Government Issued Photo Identification (Includes Driver's Licenses),

(2) Students who present a current photo school identification card,

(3) Seniors (62+) who provide a valid photo proof of age identification card,

(4) Active Military, Veterans with a valid military ID or VA medical card, and

(5) Medicare Card Holders with a Photo Identification Card.

(E) ABQ Ride and Sun Van Free Fare passes:

(1) A person acquiring a bus pass from the Department shall be required to apply electronically or in person and provide their full name, date of birth and a means of contact phone number or e-mail or location information for a social service provider. The application form may also request additional information though it is not mandatory the applicant provide the additional information to acquire the pass.

[Bracketed/Underscored Material] - New
[~~Bracketed/Strikethrough Material~~] - Deletion

(2) The Transit Department shall develop a pass distribution program that enables the applicant to acquire the pass either via an application on a personal communication device that can store the pass on the device, through a website that allows the applicant to print a temporary paper pass with a one month term and to request a durable pass card via the United States Mail, or to obtain a pass card in person from the Transit Department or an authorized distributor. There shall be a nominal charge for any replacement durable card passes.

(3) The Transit Department will as technology and resources allow migrate the passenger demographic that is authorized passage in Section 1 (D) of this Ordinance into the ABQ Ride and Sun Van Free Fare pass established in Section (E) of this Ordinance"+]

SECTION 2. Section 7-2-1-2 ROA 1994, "VIOLATION," is amended by inserting the following language:

"It shall be a violation of § 7-2-1-1 -3for any person using the transit system to fail to pay the applicable fare [+or present a valid fare pass registered in their name or photo identification card that is authorized to be used as transit fare +]. Any person in violation of § 7-2-1-1 is guilty of a misdemeanor and subject to the penalty provisions set forth in § 1-1-99 ROA 1994. Enforcement of § 7-2-1-3 is suspended during the implementation of a 18 calendar month Zero Fare Pilot."

SECTION 3. A new Section §2-11-20 is created.

[+"(1) A separate program strategy for Motor Coach and Para-Transit Operator Salaries and benefits shall be created within the Transit Enterprise fund to be used only to increase salaries and benefits for Transit Motor Coach and Para-Transit Operators. The program strategy shall be funded with ABQ Ride and Sun Van Fare Revenues in addition to general fund revenues and other sources as is applicable."+]

SECTION 3. The Free Fare Pilot Program established in §7-2-1-2, will conclude June 30th 2023 and the fare schedule established in §7-2-1-1, as amended herein, will be reinstituted July 1st, 2023.

SECTION 4. The Administration shall by August 31, 2023, submit to Council for its receipt an evaluation report on the "Free Fare Pilot Project".

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

The document shall report on the impacts of the project on transit system security, ridership, rolling stock maintenance and operations, and operational expenses. The report should evaluate whether other viable options for free fares may exist that would better insulate against security issues.

SECTION 5. The Department shall as technology becomes available identify the feasibility of developing a fare-box pass system, that includes user photos on the pass, on fare box and pass card technology that enables the on board farebox to record the time, date, route, transit vehicles, and boarding location each time a pass is used to board an ABQ Ride motor-coach or Sun Van paratransit vehicle.

SECTION 6. The Fare equity study/analysis required by the Federal Transit Administration for Fare Change Proposals in Federally Qualified Transit Agencies is hereby received by the City Council and is attached hereto as exhibit A.

SECION 7.To address the increasing security issues on the City's Transit and Paratransit System the City Administration shall develop a short-range tactical plan, a long-range security program and a security incident tracking system to respond to security calls for service on ABQ Ride motor coaches, Sun Van paratransit vehicles, and at bus stops and transit stations. This effort shall be a collaborative effort amongst relevant City Departments, which may include but is not limited to, the Albuquerque Police Department, the Metro Security Division of the Department of General Services, the Albuquerque Transit Department, the Albuquerque Community Safety Department. The Bernalillo County Sheriff's Department shall be invited to participate in this initiative as the Transit Department operates routes in unincorporated Bernalillo County.

A. Tactical Plan. The tactical plan shall:

a. Address all levels of calls ranging from low priority incidences to higher priority situations where health and safety are at risk for motor coach and van operators and passengers.

b. Develop a procedure, to prevent access to transit by individuals who have been abusive or dangerous toward drivers or the public, on an ABQ RIDE motor-coach, a Sun Van paratransit

[Bracketed/Underscored Material] - New
[~~Bracketed/Strikethrough Material~~] - Deletion

vehicle, at bus stop, or a transit station, by causing them to lose access to transit for an appropriate period of time via a trespass citation or other appropriate means. The procedure shall also include a process for:

i. Distributing to relevant Transit Department personnel a continually updated list of persons who have lost their access to the transit system.

ii. A program for training Transit Department personnel on the procedures to follow when they encounter attempted bus usage by an individual who has lost their access.

iii. A list of procedures for removing a person who has lost access from an ABQ Ride motor-coach, a Sun Van paratransit vehicle a bus stop or transit station or other facility.

c. The plan shall layout a process to most effectively utilize video and communications technologies currently embedded on the motor-coach and paratransit fleet to improve communications between the motor-coach operators, the Transit Department's Operations Center, and the Metro Security Division, the Albuquerque Police Department and Albuquerque Community Safety Department.

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

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

[Bracketed/Underscored Material] - New
[~~Bracketed/Strikethrough Material~~] - Deletion

a. Identify best practices for transit security systems recommended by the Federal Transit Administration.

b. Provide a list of best practices used by transit agencies throughout the United States.

c. Identify an organizational structure for a security organization that respects the culture and traditions of the Albuquerque community and provides an appropriate level of security for the ABQ Ride and Sun Van paratransit systems including:

1) Recommending if security should be a component of the Transit Department or continue to be provided through the services of the Albuquerque Police Department, the Metropolitan Security Division, and the Albuquerque Community Safety Department.

2) If Transit Security is recommended to be a stand-alone division within the Transit Department, the recommendation should include but is not limited to the following:

i. If the Division will be a transit security service, or transit police service, or community safety outreach service or a combination of the above,

ii. If the Division will include a training academy,

iii. The anticipated budget,

iv. The appropriate staffing level and pay schedule,

v. If there will be a civilian oversight board for the transit security or if it will come under the existing Civilian Police Oversite Agency, and

vi. If the Division will be subject to the CASA with the Department of Justice.

d. An inventory of existing security technologies employed by the Transit Department, technology upgrades that would benefit the security and safety and the cost to implement the improvements.

[Bracketed/Underscored Material] - New
[~~Bracketed/Strikethrough Material~~] - Deletion

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

"C. The Albuquerque Police Department, the Metro Security Division of the Department of General Services, the Albuquerque Community Safety Department and the Albuquerque Transit Department shall, proceed with the following:

- **Starting in the 2nd quarter of Fiscal Year 23, compile on a quarterly basis, statistics on calls for security service to Albuquerque Ride motor-coaches, Sun Van paratransit vehicles, and the bus stops and stations of the Albuquerque Transit Department. The database shall:**
  - **Include calls for service made to the Metro Security Division, the Albuquerque Police Department and the Albuquerque Community Safety Department,**
  - **Categorize by the total number of calls for service by type of incident as classified in the Federal Bureau of Investigation's Uniform Crime Reporting System,**
  - **Include the number and types of calls for service by route, including on motor-coaches, and paratransit vans, and at bus stops and transit facilities, and**
  - **Be communicated to the City Council by Executive Communication within 30 days of the conclusion of the quarterly reporting period.**
- **Conduct a best-practices search for accumulating, aggregating and disseminating transit security data.**
- **Incorporate the Albuquerque Community Safety Department, Demographic Data Reporting Model into the security incident report template."**

C. The Administration shall research alternative approaches to addressing safety at bus stations and stops that other Transit departments have employed, including but not limited to the following:

a. Activating bus stations and stops with public art, ~~music~~, and other aesthetic and/or Crime Prevention Through Environmental Design improvements, and

[Bracketed/Underscored Material] - New
[~~Bracketed/Strikethrough Material~~] - Deletion

b. Establishing regular presence and natural surveillance at bus stations and stops through the growth of the Adopt-a-Stop program."

Section 8. The Administration as part of its social service programing is directed to identify ways to assist social service agencies through funding or other means, in providing clientele with transit passes.

SECTION 9. That the following amounts are hereby adjusted to the following programs and funds from fund balance, working capital balance, and/or revenue for operating City government in Fiscal Year 2023:

General Fund-110

Transfer to Transit Operating Fund-661 250,000

Two hundred and fifty thousand dollars is designated for the purpose of funding the development of a fare pass distributors program as described in Section 3 of this Resolution, a Fare Pass and Fare Box Management Study as described in Section 4 of this Ordinance and a Transit Security Plan as described in Section 5 of this Ordinance.

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

SECTION 11 COMPILATION. Section 1 of this ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

SECTION 12. EFFECTIVE DATE. This ordinance takes effect five days after publication by title and general summary.

[Bracketed/Underscored Material] - New
[~~Bracketed/Strikethrough Material~~] - Deletion

X:\CL\USERS\CCOTGM\Pena\Transit\FS2-O-22-47docx