

CITY of ALBUQUERQUE

TWENTY FIFTH COUNCIL

COUNCIL BILL NO. F/S(3) O-22-47 ENACTMENT NO. _____

SPONSORED BY: Klarissa Peña, Pat Davis, Tammy Fiebelkorn, Dan Lewis

1 **ORDINANCE**

2 **THE ALBUQUERQUE TRANSIT SECURITY AND EQUITABLE ACCESS**
3 **ORDINANCE, AMENDING CHAPTER 7 ARCTICLE 2, SECTION 1 OF THE**
4 **TRANSIT ORDINANCE, REQUIRING SECURITY PLANNING AND FARE AND**
5 **ACCESS STUDIES TO IMPROVE ACCESSIBLITY AND SECURITY ON THE ABQ**
6 **RIDE AND SUN VAN TRANSIT SYSTEMS.**

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

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

14 **WHEREAS, these services are a low-emissions and zero fare alternative to**
15 **automobiles for commuters, and are the primary means of transport for tens of**
16 **thousands of persons who qualify as "Transit Dependent" in Bernalillo County**
17 **as defined by the Federal Transit Administration of the United States**
18 **Department of Transportation; and**

19 **WHEREAS, as with other transit agencies throughout the United States,**
20 **security on board ABQ Ride Coaches, Sun Van Paratransit Vehicles, at bus**
21 **stops, where many security incidents occur, and at transit stations, is**
22 **becoming of increasing concern, to both the drivers of transit vehicles and**
23 **passengers. These concerns, if left unattended, will deter passengers from**
24 **using transit and impede the recruitment and retention of motor-coach and**
25 **paratransit vehicle operators over time; and**

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

1 WHEREAS, the City Council previously committed \$1 million to increase
2 Transit Security and desires to renew that commitment. It is imperative that the
3 City of Albuquerque develop and implement a strategy to address security
4 concerns on the transit system, including, creating near-term action plans to
5 improve responses to incidents on transit vehicles, at bus stops and transit
6 stations, better tracking and analyzing individual security incidents, security
7 incident trends, and developing and implementing a long-term public transit
8 safety strategy; and

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

16 WHEREAS, the City of Albuquerque initiated a system wide Zero Fare
17 Transit Pilot Project in June of 2022 through June of 2023. The City Council
18 unanimously instituted the Zero Fare Pilot Program, which called for a study to
19 assess the program allowing the Council to make an informed decision about
20 the future of the program; and

21 WHEREAS, the transit system's security issues that existed prior to the
22 beginning of the Zero Fare Pilot Program have continued during the Zero Fare
23 Pilot Program with some types of illegal activity abating and others increasing;
24 and

25 WHEREAS, there could be multiple benefits to a pass system that helps
26 provide accountability amongst riders while also offering the benefits of zero
27 fares. The Transit Department has completed a Federal Transit Administration
28 required Equity Analysis to determine the impact of a pass fare structure on the
29 Transit's Departments passengers and determined, if structured appropriately,
30 would comply with the Federal Government's equity requirements pertaining to
31 transit dependent populations; and

32 WHEREAS, for the success and long-term sustainability of the
33 Albuquerque Transit System, it is imperative that the City establish competitive

1 pay scales and a safe operating environment for motor-coach and paratransit
2 van operators. For more than a decade, the City's Transit Department has been
3 unable to staff a full complement of motor coach and paratransit van operators
4 due to below-market pay scales. In recent years the operator vacancy rate has
5 required the Department to reduce the number of motor coaches serving bus
6 routes, creating long wait times between bus arrivals, and diminishing the
7 quality of the City's transit service; and

8 WHEREAS, a readily accessible Americans with Disabilities Act
9 Paratransit Service, such as the Transit Department's Sun Van Service, is
10 critical to ensuring access for disabled persons to medical care, economic
11 opportunities, and socializing events. Persons who qualify for the program
12 should benefit from the service through a zero-fare program. Such a service
13 helps foster an equitable community by increasing access to jobs, activities,
14 and commerce for individuals who are unable to access these opportunities
15 otherwise; and

16 WHEREAS, the people of Albuquerque, through the City of Albuquerque,
17 completed a significant investment to develop a rapid transit bus system along
18 Central Avenue, and they should be able to benefit from it through a zero-fare
19 program.

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

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

25 "[+(A) The Albuquerque Rapid Transit Lines shall be free.

26 (B) Regular Fare Sun Van, shall be a free fare upon qualification for the
27 service through the Transit Department's Qualification Process.+]"

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

29 "[+]"(1) A separate program strategy for Motor Coach and Para-Transit
30 Operator Salaries and benefits shall be created within the Transit Enterprise
31 fund to be used only to increase salaries and benefits for Transit Motor Coach
32 and Para-Transit Operators. The program strategy shall be funded with any

1 ABQ Ride and Sun Van Fare Revenues, in addition to general fund revenues
2 and other sources as is applicable.+]"

3 SECTION 3. Section § 7-2-2-1 is amended as follow:

4 "(A) Public transit boarding areas, [+including bus stops+], ~~[-located~~
5 ~~within a street median-]~~ are reserved for passengers only. It shall be a
6 violation of this section for any person to be present in these boarding areas
7 except for:

8 (1) A passenger boarding or exiting the designated public transit ~~[-~~
9 ~~vehicle who has already paid the applicable fare for the public transit service-~~
10 ~~];~~ or

11 (2) A passenger waiting in the designated boarding area ~~[-who has~~
12 ~~already paid the applicable fare in advance-]~~ with the intent to board the next
13 designated public transit vehicle to arrive in the direction of travel.

14 (3) City-authorized persons.

15 [+(4) An individual passing through the boarding area.+]

16 (B) It shall be a violation of this section for any person to be present in
17 these boarding areas at times outside the designated public transit service
18 hours except for city-authorized persons, except for the designated cross-
19 walk areas in the median for a reasonable amount of time to continue crossing
20 the street.[+ and individuals passing through a boarding area.+]"

21 SECTION 4. At the end of SECTION 12-2-5 add the following:

22 " [+(H) Failure to obey the instructions of a motor coach operator.+]"

23 SECTION 5. Section §12-1-4 is amended as follows:

24 The definition of "PEACE OFFICER" shall be amended as follows:

25 "*PEACE OFFICER.* Campus security officers, police officers,[+ transit
26 security, metro security,+] and any other public official or public officer vested
27 by law with a duty to maintain public order or to make arrests for crime,
28 whether that duty extends to all crimes or is limited to specific crimes."

29 SECTION 6. Section 12-2-19 is amended as follows:

30 "RESISTING, OBSTRUCTING OR REFUSING TO OBEY A~~[-N-]~~ [+PEACE+]
31 OFFICER."

32 SECTION 7. Section 7-2-1-2 is hereby amended as follows:

33 "§ 7-2-1-2:

(1) The fares designated in § 7-2-1-1, shall be suspended during the implementation of ~~[-a twelve calendar month-]~~ [+the+] Zero Fare Pilot,

(2) The Zero Fare Pilot ~~[-is to commence no later than January 1st 2022.-]~~ [+will continue until the twelve-month pilot is completed as executed by the Administration under O-21-67 and § 7-2-1-1,(HH), a full analysis as specified in Section 9 of this Ordinance is completed, recommendations have been presented to the City Council, and the Council has ordained to continue or eliminate the program.+]”

SECTION 8. Section 7-2-1-3 is hereby amended as follows:

§ 7-2-1-3:

It shall be a violation of § 7-2-1-1 for any person using the transit system to fail to pay the applicable 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 ~~[-~~ ~~twelve calendar month-~~ ~~]~~ [+the+] Zero Fare Pilot.

SECTION 9. The Administration shall, by September 30, 2023, submit to Council for its receipt an evaluation report, as mandated by O-21-67, on the Zero Fare Pilot Project. The report shall, but is not limited to, reviewing the impacts of the project on transit system security, ridership, rolling stock maintenance and operations, and operational expenses. The Transit Department shall establish a technical team to oversee the study that shall include a member from the Transit Advisory Board, the City Council Services Staff, a representative from social service agencies whose clients fall within the category of transit dependent, and any other member the Transit Department considers beneficial to the development of the study.

SECTION 10. If the Post-Zero Fare Pilot Project study mandated in Section 9 of this Ordinance recommends the implementation of a permanent zero fare program, it shall also include a cost benefit analysis of the potential for creating a fare box universal pass-identification program as a method for improving security and safety aboard the Albuquerque Ride and Sun Van Systems. The analysis shall include, but is not limited to, reviewing a method for creating and distributing passes that is equitable and accessible for all persons, especially those qualified as transit dependent, the process for

1 applying for, receiving and replacing passes, the terms of the passes, the
2 features that shall be included on the passes, and the ability to utilize
3 technology as e-passes, apps, pass readers, and for applying for distributing
4 and issuing and enforcing the use of passes. The analysis shall also review a
5 process for distributing the passes identifying ways to assist social service
6 agencies through funding or other means, and providing clientele with transit
7 passes. In addition, the analysis shall also include a phase-in program, the
8 estimated start-up cost for a for a full time pass program, the estimated annual
9 cost to operate the program, and establish an administrative structure
10 required to operate the program. The study shall further include an analysis
11 of the logistics of boarding, presenting passes, and tracking passes to show
12 impacts of a pass system on the timing of transit, impact on drivers, and how
13 passes will be tracked to provide accountability. The study shall be overseen
14 by a technical advisory team comprised of members from the Transit
15 Department, the Metro Security Division of the General Services Department,
16 the Office of Equity and Inclusion, the Council Services Department, the
17 Information Technology Services Department, and other members the Transit
18 Department deems beneficial to the team.

19 **SECTION 11.** The Transit Department shall establish a process by which
20 applicants, for eligibility to use the Transit Department's American with
21 Disabilities Act Paratransit Service (Sun Van), that utilizes the on-site interview
22 process set forth in "Section 9.4.4, Effective Practices for Minimizing
23 Administrative Burdens" of Federal Transit Administration Circular 4710.1 and
24 develop a one stop process by which applicants can complete their eligibility
25 approval review process in one appointment and may either receive an on-site
26 interview and assessment to validate their eligibility or provide third party
27 documents approved by the Transit Department attesting to their disability. To
28 implement this program the Transit Department shall conduct a study to
29 improve the access and the equity for qualifying for and utilizing the
30 Department's Sun Van Service. The study is to be completed and transmitted to
31 the Council Office by within eight weeks following the adoption of this
32 ordinance. The self-attesting process shall be implemented no later than April

1 30th 2023. The study shall be overseen by a technical advisory team comprised
2 of members from the Transit Department and Sun Van staff, Sun Van riders or
3 members of the Paratransit Advisory Board, the Office of Equity and Inclusion,
4 the Council Services Department and other members the Transit Department
5 deems beneficial to the team. The study shall, but is not limited to, reviewing
6 the following: streamlining the application process, the viability of applicants
7 self-attesting as to their condition, utilizing any of a variety of documents to
8 prove the status of why applicants require the Sun Van Service, placing as
9 much of the application process online as possible, improving on-line
10 scheduling, identifying strategies to recruit and retain drivers, and the cost to
11 implement the recommendations of the study.

12 SECTION 12. To address the increasing security issues on the City's
13 Transit and Paratransit Systems the City Administration shall develop a short-
14 range tactical plan, a long-range security program and a security incident
15 tracking system to respond to security calls for service on ABQ Ride motor
16 coaches, Sun Van paratransit vehicles, and at bus stops and transit stations.
17 This effort shall be a collaborative effort amongst relevant City Departments,
18 which may include but is not limited to, the Albuquerque Police Department,
19 the Metro Security Division of the Department of General Services, the
20 Albuquerque Transit Department, and the Albuquerque Community Safety
21 Department. The Bernalillo County Sheriff's Department shall be invited to
22 participate in this initiative as the Transit Department operates routes in
23 unincorporated Bernalillo County.

24 A. Tactical Plan. The tactical plan shall:

- 25 a. Address all levels of calls ranging from low priority incidences to
26 higher priority situations where health and safety are at risk for
27 motor coach and van operators and passengers.
28 b. Develop a procedure to prevent access to transit by individuals
29 who have been abusive or dangerous toward drivers or the
30 public, on an ABQ RIDE motor-coach, a Sun Van paratransit
31 vehicle, at bus stops, or transit stations, by causing them to lose
32 access to transit for an appropriate period of time via a trespass

1 citation or other appropriate means. The procedure shall also
2 include a process for:

- 3 i. Distributing to relevant Transit Department personnel a
4 continually updated list of persons who have lost their
5 access to the transit system.
- 6 ii. A program for training Transit Department personnel on
7 the procedures to follow when they encounter attempted
8 bus usage by an individual who has lost their access.
- 9 iii. A list of procedures for removing a person who has lost
10 access from an ABQ Ride motor-coach, a Sun Van
11 paratransit vehicle, a bus stop or transit station, or other
12 facility.

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

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

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

- 31 a. Identify best practices for transit security systems
32 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, 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 Oversight 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 support security and safety, and the cost to implement the improvements.

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

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

- 5 a. Starting in the 3rd quarter of Fiscal Year 23, compile on a
6 quarterly basis, statistics on calls for security service to
7 Albuquerque Ride motor-coaches, Sun Van paratransit vehicles,
8 and the bus stops and stations of the Albuquerque Transit
9 Department. The database shall:
- 10 1) Include calls for service made to the Metro Security Division,
11 the Albuquerque Police Department, and the Albuquerque
12 Community Safety Department,
13 2) Categorize the total number of calls for service by type of
14 incident as classified in the Federal Bureau of Investigation's
15 Uniform Crime Reporting System,
16 3) Include the number and types of calls for service by route,
17 including on motor-coaches, paratransit vans, at bus stops and
18 transit facilities, and
19 4) Be communicated to the City Council by Executive
20 Communication within 30 days of the conclusion of the
21 quarterly reporting period.
- 22 b. Conduct a best-practices search for accumulating,
23 aggregating and disseminating transit security data.
- 24 c. Incorporate the Albuquerque Community Safety Department's
25 Demographic Data Reporting Model into the security incident report
26 template.

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

- 30 a. Activating bus stations and stops with public art, and other
31 aesthetic and/or Crime Prevention Through Environmental Design
32 improvements, and
33 b. Establishing regular presence and natural surveillance at bus

1 stations and stops through the growth of the Adopt-a-Stop
2 program.

3 SECTION 13. The following amounts are hereby adjusted to the following
4 programs and funds from fund balance, working capital balance, and/or
5 revenue for operating City government in Fiscal Year 2023:

6 **GENERAL FUND – 110**

7 Transit Department

8 Transfer to Transit Operating Fund (661) 1,000,000

9 \$1,000,000 is designated for the purpose of improving Transit Security
10 through increased personnel and improved operations.

11 Transfer to Transit Operating Fund (661) 250,000

12 \$250,000 is designated for the purpose of conducting the plans and studies
13 mandated in Sections 9, 10, 11 and 12 of this ordinance and assisting in
14 funding the implementation of such plans and studies.

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

22 SECTION 14. COMPILATION. Sections 2-6 of this ordinance shall be
23 incorporated in and made part of the Revised Ordinances of Albuquerque,
24 New Mexico, 1994.

25 SECTION 15. EFFECTIVE DATE. This ordinance takes effect five days after
26 publication by title and general summary

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