



CITY OF ALBUQUERQUE CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: All Councilors

FROM: Jeff Hertz, Council Special Projects Analyst

SUBJECT: Policy Brief - Repealing No-Cruising Legislation

DATE: February 6, 2023

On December 3, 2018, the City of Albuquerque became the first municipality to repeal legislation that defines “cruising” as a public nuisance and a violation of the local Traffic Code. Since then, three other cities have repealed their cruising ordinances around the country and one is in the process of repealing.

This OC transmits Council staff’s analysis for receipt by the Council.

Council staff’s analysis will also be transmitted to other municipalities that City Councilor Klarissa Pena’s Office has been in close contact with regarding repealing their respective legislation that defines cruising as a public nuisance. This analysis will also be transmitted to other municipalities that were identified in the white paper produced by Boise City Idaho Police Department and shared with the U.S. Department of Justice National Institute of Justice, entitled “Downtown ‘Cruising’ in Major U.S. Cities and One City’s Response to the Problem.”

To support other municipalities’ efforts in repealing their legislation, Council staff will be promoting this policy brief via a wide variety of media outlets, including social media platforms like Facebook, Instagram, and Twitter, and national publications related to cruising, such as Lowrider Magazine. Council staff will also be encouraging other municipalities to promote this policy brief through their own social media platforms and print media outlets.

Scope of Problem

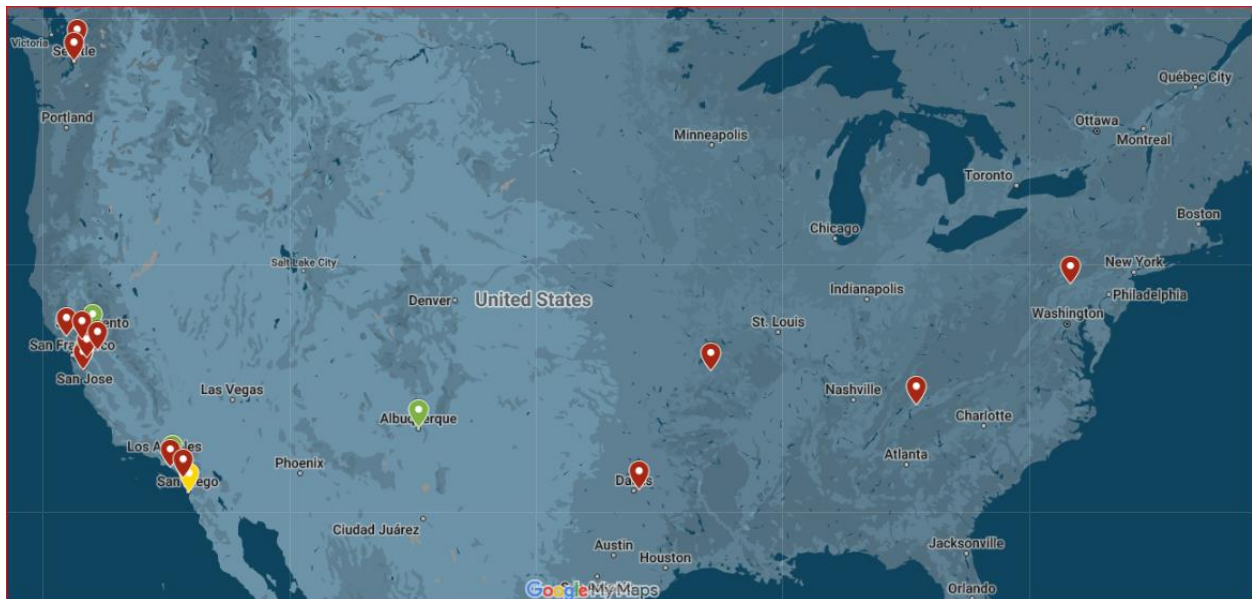
- Noise, air pollution, obstruction of streets, congestion, hampering of access for emergency vehicles, and other unwanted traffic conditions can sometimes be created in the public right of way through a combination of “exhibition” and/or “reckless” driving. These traffic conditions can take place among any type of motor vehicle operator group occupying the public right of way.

- “Cruising” bans around the country sometimes contain sections that discriminate against particular types of special interest vehicle drivers or other subpopulations, such as “lowriders” or “cruisers.”
- These same bans sometimes associate ancillary (often stereotypical and/or discriminative) activities with cruising, such as displaying of a weapon, prostitution, gang activity, etc.

Rationale

1. Local police departments already have the regulatory and enforcement “tools” to adequately address “exhibition driving” or “reckless driving” in their communities
2. Most “cruising” or “no-cruising” ordinances directly target a subpopulation of people and are subject to violating 1st Amendment Law.
3. Most cruising bans are not even being enforced.
4. Other municipalities around the country are repealing their cruising ordinances and finding alternative means of supporting their local cruising communities and other special interest motor vehicle groups.
5. Since repealing their cruising ordinances, municipalities are establishing stronger relationships with their local lowrider communities.

Legislative Status: Below is a nationwide map that includes locations of cities that 1) have already repealed their no-cruising legislation (in green), 2) are currently in the process of repealing their legislation (in yellow), and 3) could still repeal their legislation (in red). Note that there are other cities that have no-cruising legislation in place that could also repeal (based upon the white paper produced by Boise City Idaho Police Department and shared with the U.S. Department of Justice National Institute of Justice entitled “Downtown ‘Cruising’ in Major U.S. Cities and One City’s Response to the Problem”).



Link to Online/Interactive Map:

https://www.google.com/maps/d/u/0/edit?mid=1eS166pSp89P-TLeZujCPt_3jeY0Kcss&usp=sharing

Legislation Repeal Policy Brief

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☒ Cities That Have Repealed

Individual styles

- Albuquerque, New Mexico
- Sacramento, California
- San Jose, California
- Santa Ana, California

☒ Cities Working To Repeal

Individual styles

- National City, California

☒ Cities That Could Still Repeal

Individual styles

- Harrisburg, Pennsylvania
- Los Gatos, California
- Mesquite, Texas
- Livermore, California
- Newport Beach, California
- Knoxville, Tennessee
- Seattle, Washington
- Oceanside, California
- Santa Rosa, California
- Vacaville, California
- Springfield, Missouri
- Stockton, California
- Everett, Washington

Links To Legislation That Cities Could Repeal

- Everett, Washington
 - <https://everett.municipal.codes/EMC/46.48>
- Harrisburg, Pennsylvania
 - <https://ecode360.com/13738944>
- Knoxville, Tennessee
 - https://library.municode.com/tn/knoxville/codes/code_of_ordinances?nodeId=PTIICOOR_CH17MOVETR_ARTVOPVE_DIV1GE_S17-198CR
- Los Gatos, California
 - https://library.municode.com/ca/los_gatos/codes/code_of_ordinances?nodeId=CO_CH15MOVETR_ARTIIIOPVE_DIV2CR_S15.30.115CRPR
- Livermore, California
 - <https://www.codepublishing.com/CA/Livermore/?LivermoreOT.html&?f>
- Mesquite, Texas
 - https://library.municode.com/tx/mesquite/codes/code_of_ordinances?nodeId=PTIICOOR_CH9MOVETR_ARTIINGE_S9-8CR
- Newport Beach, California
 - <https://www.codepublishing.com/CA/NewportBeach/#!/html/NewportBeach12/NewportBeach1208.html#12.08.135>
- Oceanside, California
 - https://library.municode.com/ca/oceanside/codes/code_of_ordinances

- Santa Ana, California,
 - https://library.municode.com/ca/santa_ana/codes/code_of_ordinances?nodeId=PTIITHCO_CH36TR_ARTXIICR
- Santa Rosa, California
 - https://library.qcode.us/lib/santa_rosa_ca/pub/city_code/item/title_11-chapter_11_16-11_16_020
- Seattle, Washington
 - https://library.municode.com/wa/seattle/codes/municipal_code?nodeId=TI11VETR_SUBTITLE_ITRCO_PT6SPDROPRE_CH11.69TRCOAR
- Springfield, Missouri
 - https://library.municode.com/mo/springfield/codes/code_of_ordinances?nodeId=PTIICO_CH106TRVE_ARTIINGE_S106-28CR
- Stockton, California
 - https://library.qcode.us/lib/stockton_ca/pub/municipal_code/item/title_10-chapter_10_32-10_32_010
- Vacaville, California
 - https://library.qcode.us/lib/stockton_ca/pub/municipal_code/item/title_10-chapter_10_32-10_32_010

Policy or Program Alternatives

- Developing a “Special Interest Vehicle Club Recognition Program” that celebrates the contribution that not only local lowriders make to the community, but all special interest vehicle operators contribute to their community. This type of program was created per the adoption of R-18-66 in the City of Albuquerque, but has not been formally created by the City’s Arts and Culture Department in collaboration with Albuquerque City Council
- Developing “Cruising Boulevards” that includes visual cues and/or signage that supports/celebrates the appropriateness of cruising
- Developing special proposed routes that prioritize cruising on certain days and times of the week where cruising is already a regularly practiced tradition. The City of Albuquerque is currently developing a special proposed route called “The Loop” to support all motor vehicle operators in the Downtown area on Sunday nights.

Appendices/ Recommended Sources

- Downtown “Cruising” in Major U.S. Cities and One City’s Response to the Problem (Produced by Boise City Idaho Police Department and shared with the U.S. Department of Justice National Institute of Justice)
 - <https://www.ojp.gov/pdffiles1/Digitization/128337NCJRS.pdf>