

**CITY of ALBUQUERQUE
TWENTY FIFTH COUNCIL**

COUNCIL BILL NO. F/S(3) O-22-47 ENACTMENT NO. 0-2023-005

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

ORDINANCE

1
2 THE ALBUQUERQUE TRANSIT SECURITY AND EQUITABLE ACCESS
3 ORDINANCE, AMENDING CHAPTER 7 ARTICLE 2, SECTION 1 OF THE TRANSIT
4 ORDINANCE, REQUIRING SECURITY PLANNING AND FARE AND ACCESS
5 STUDIES TO IMPROVE ACCESSIBILITY AND SECURITY ON THE ABQ RIDE
6 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
16 of thousands of persons who qualify as “Transit Dependent” in Bernalillo
17 County 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

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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, trends,**
7 **and developing and implementing a long-term public transit safety strategy;**
8 **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**
14 **maintenance for these stations is necessary to deter loitering and vandalism,**
15 **and to promote 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**
19 **to assess the program allowing the Council to make an informed decision**
20 **about 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**
24 **increasing; 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**
29 **the Transit’s Departments passengers and determined, if structured**
30 **appropriately, would comply with the Federal Government’s equity**
31 **requirements pertaining to 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**

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

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

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

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

15 “(1) A separate program strategy for Motor Coach and Para-Transit
16 Operators, Mechanics, Vehicle Cleaners, Transit Operations Personnel, and
17 Security Officers salaries and benefits shall be created within the Transit
18 Enterprise fund to be used to fund salaries and benefits for Transit Motor
19 Coach and Para-Transit Operators. The program strategy shall be funded with
20 general fund revenues and any fare revenues, and other sources as is
21 applicable.”

22 SECTION 2. Section §7-2-2-1 is amended as follows:

23 “(A) Public transit boarding areas, including bus stops, are reserved for
24 passengers only. It shall be a violation of this section for any person to be
25 present in these boarding areas except for:

- 26 (1) A passenger boarding or exiting the designated public transit.
- 27 (2) A passenger waiting in the designated boarding area with the intent
28 to board the next designated public transit vehicle to arrive in the direction of
29 travel.
- 30 (3) City-authorized persons.
- 31 (4) An individual passing through the boarding area.

32 (B) It shall be a violation of this section for any person to be present in
33 these boarding areas at times outside the designated public transit service

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1 hours except for city-authorized persons, except for the designated cross-
2 walk areas in the median for a reasonable amount of time to continue crossing
3 the street, and individuals passing through a boarding area.”

4 SECTION 3. At the end of SECTION 12-2-5 add the following:

5 “(H) Failure to obey the instructions of a motor coach operator.”

6 SECTION 4. The Administration is directed to develop and transmit to the
7 City Council, within 60 days of the effective date of this Ordinance a plan to
8 formalize the mission, responsibilities, authority, and structure of the Metro
9 Security Division. The plan will include, but is not limited to, authority to issue
10 citations, issue criminal trespass notices, and appropriately enforce City of
11 Albuquerque's policies, rules, and regulations. The plan will include a timeline
12 for negotiation, training, and implementation that includes suggested
13 language for an update to the Code of Ordinances to include a section for the
14 Metro Security Division’s Duties and Responsibilities.

15 SECTION 5. Section 7-2-1-2 is hereby amended as follows:

16 “§7-2-1-2:

17 (1) The fares designated in §7-2-1-1, shall be suspended during the
18 implementation of the Zero Fare Pilot,

19 (2) The Zero Fare Pilot will continue until the twelve-month pilot is
20 completed as executed by the Administration under O-21-67 and §7-2-1-1,
21 (HH), a full analysis as specified in Section 9 of this Ordinance is completed,
22 recommendations have been presented to the City Council, and the Council
23 has ordained to continue or eliminate the program.”

24 SECTION 6. Section 7-2-1-3 is hereby amended as follows:

25 “§7-2-1-3:

26 It shall be a violation of §7-2-1-1 for any person using the transit system to
27 fail to pay the applicable fare. Any person in violation of §7-2-1-1 is guilty of a
28 misdemeanor and subject to the penalty provisions set forth in §1-1-99 ROA
29 1994. Enforcement of §7-2-1-3 is suspended during the implementation of the
30 Zero Fare Pilot.”

31 SECTION 7. The Administration shall, by September 30, 2023, submit to
32 Council for its receipt an evaluation report, as mandated by O-21-67, on the
33 Zero Fare Pilot Project. The report shall, but is not limited to, reviewing the

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1 impacts of the project on transit system security, ridership, rolling stock
2 maintenance and operations, and operational expenses. The Transit
3 Department shall establish a technical team to oversee the study that shall
4 include a member from the Transit Advisory Board, the City Council Services
5 Staff, a representative from social service agencies whose clients fall within
6 the category of transit dependent, and any other member the Transit
7 Department considers beneficial to the development of the study.

8 SECTION 8. If the Post-Zero Fare Pilot Project study mandated in Section 7
9 of this Ordinance recommends the implementation of a permanent zero
10 fare program, it shall also include a cost benefit analysis of the potential for
11 creating a fare box universal pass-identification program as a method for
12 improving security and safety aboard the Albuquerque Ride and Sun Van
13 Systems. The analysis shall include, but is not limited to, reviewing a method
14 for creating and distributing passes that is equitable and accessible for all
15 persons, especially those qualified as transit dependent, the process for
16 applying for, receiving and replacing passes, the terms of the passes, the
17 features that shall be included on the passes, and the ability to utilize
18 technology as e-passes, apps, pass readers, and for applying for distributing
19 and issuing and enforcing the use of passes. The analysis shall also review a
20 process for distributing the passes identifying ways to assist social service
21 agencies through funding or other means, and providing clientele with transit
22 passes. In addition, the analysis shall also include a phase-in program, the
23 estimated start-up cost for a full time pass program, the estimated annual cost
24 to operate the program, and establish an administrative structure required to
25 operate the program. The study shall further include an analysis of the
26 logistics of boarding, presenting passes, and tracking passes to show impacts
27 of a pass system on the timing of transit, impact on drivers, and how passes
28 will be tracked to provide accountability. The study shall be overseen by a
29 technical advisory team comprised of members from the Transit Department,
30 the Metro Security Division of the General Services Department, the Office of
31 Equity and Inclusion, the Council Services Department, the Information
32 Technology Services Department, and other members the Transit Department
33 deems beneficial to the team.

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1 **SECTION 9.** The Transit Department shall establish a process by which
2 applicants, for eligibility to use the Transit Department’s Americans with
3 Disabilities Act Paratransit Service (Sun Van), shall be able to self-certify as to
4 their disability. To implement this program the Transit Department shall create
5 an implementation plan to improve the access and the equity for qualifying for
6 and utilizing the Department’s Sun Van Service. The implementation plan is to
7 be completed and transmitted to the Council Office by within fourteen weeks
8 following the effective date of this ordinance. The self-attesting process shall
9 be implemented no later than June 30th 2023. The implementation plan shall be
10 overseen by a technical advisory team comprised of members from the Transit
11 Department and Sun Van staff, Sun Van riders or members of the Paratransit
12 Advisory Board, the Office of Equity and Inclusion, the Council Services
13 Department and other members the Transit Department deems beneficial to the
14 team. The implementation plan shall, but is not limited to, reviewing the
15 following: streamlining the application process, the viability of applicants
16 self-attesting as to their condition, utilizing any of a variety of documents to
17 prove the status of why applicants require the Sun Van Service, placing as
18 much of the application process online as possible, improving on-line
19 scheduling, identifying strategies to recruit and retain drivers, and the cost to
20 implement the recommendations of the implementation plan.

21 **SECTION 10.** To address the increasing security issues on the City’s
22 Transit and Paratransit Systems the City Administration shall develop a short-
23 range tactical plan, a long-range security program and a security incident
24 tracking system to respond to security calls for service on ABQ Ride motor
25 coaches, Sun Van paratransit vehicles, and at bus stops and transit stations.
26 This effort shall be a collaborative effort amongst relevant City Departments,
27 which may include but is not limited to, the Albuquerque Police Department,
28 the Metro Security Division of the Department of General Services, the
29 Albuquerque Transit Department, the Office of Equity and Inclusion, and the
30 Albuquerque Community Safety Department. The Bernalillo County Sheriff’s
31 Department shall be invited to participate in this initiative as the Transit
32 Department operates routes in unincorporated Bernalillo County.

33 **A. Tactical Plan.** The tactical plan shall:

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

4 b. Develop a procedure to prevent access to transit by individuals
5 who have been abusive or dangerous toward drivers or the public, on an ABQ
6 RIDE motor-coach, a Sun Van paratransit vehicle, at bus stops, or transit
7 stations, by causing them to lose access to transit for an appropriate period of
8 time via a trespass citation or other appropriate means. The procedure shall
9 also include a process for:

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

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

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

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

25 d. The tactical plan shall undergo an analysis by the Office of
26 Equity and Inclusion to determine if the plan will adversely impact or target
27 persons unfairly.

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

31 B. Long Range Security Program. The Albuquerque Transit Department,
32 the Albuquerque Police Department, the Metro Security Division of the
33 Department of General Services, the Office of Equity and Inclusion, and the

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1 Albuquerque Community Safety Department with the assistance of the City
2 Council Services Department shall conduct a study to develop a security
3 program for the ABQ Ride Route system and the Sun Van systems, and the
4 Transit Department's bus stops and transit stations. The study shall include
5 the following objectives:

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

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

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

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

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

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

24 ii. If the Division will include a training academy,

25 iii. The anticipated budget,

26 iv. The appropriate staffing level and pay schedule,

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

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

32 d. An inventory of existing security technologies employed by the

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1 Transit Department, technology upgrades that would support security and
2 safety, and the cost to implement the improvements.

3 e. The tactical plan shall quickly implement ways and means to
4 improve the cleanliness, lighting, state of repair, and overall appearance of the
5 Transit Department’s rolling stock, bus stops, bus shelters and stations so as
6 to provide an attractive venue that encourages the legitimate and law-abiding
7 use of the Department’s facilities and equipment.

8 f. The plan shall include a robust public outreach process to all
9 impacted stake holders especially the transit dependent, regular transit users,
10 employees of the transit system and persons with businesses or residence
11 nearby or abutting bus stops and stations.

12 g. The plan shall undergo an analysis by the Office of Equity and
13 Inclusion to determine if the plan will adversely impact or target persons
14 unfairly.

15 This study shall be communicated to Council via Executive Communication,
16 or Official Communication by March 1st, of 2024.

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

21 a. Starting in the 4th quarter of Fiscal Year 24, compile on a
22 quarterly basis, statistics on calls for security service to Albuquerque Ride
23 motor-coaches, Sun Van paratransit vehicles, and the bus stops and stations
24 of the Albuquerque Transit Department. The database shall:

25 1) Include calls for service made to the Metro Security Division,
26 the Albuquerque Police Department, and the Albuquerque Community Safety
27 Department,

28 2) Categorize the total number of calls for service by type of
29 incident as classified in the Federal Bureau of Investigation’s Uniform Crime
30 Reporting System,

31 3) Include the number and types of calls for service by route,
32 including on motor-coaches, paratransit vans, at bus stops and transit
33 facilities, and

1 4) Be communicated to the City Council by Executive
2 Communication within 30 days of the conclusion of the quarterly reporting
3 period.

4 b. Conduct a best-practices search for accumulating,
5 aggregating and disseminating transit security data.

6 c. Incorporate the Albuquerque Community Safety Department's
7 Demographic Data Reporting Model into the security incident report template.

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

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

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

16 SECTION 11. The following amounts are hereby adjusted to the following
17 programs and funds from fund balance, working capital balance, and/or
18 revenue for operating City government in Fiscal Year 2023:

19 GENERAL FUND – 110

20 Transit Department

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

22 \$1,000,000 is designated for the purpose of improving Transit Security
23 through increased personnel and improved operations.

24 Expenditures from these funds for personnel, training or equipment, shall
25 only be to fund City of Albuquerque Employee Positions, and to purchase
26 training managed by the City of Albuquerque and equipment that will be
27 owned by the City of Albuquerque.

28 Transfer to Transit Operating Fund (661) 500,000

29 \$500,000 is designated for the purpose of conducting the plans and studies
30 mandated in this ordinance and assisting in funding the implementation of
31 such plans and studies.

32 SECTION 12. SEVERABILITY CLAUSE. If any section, paragraph,
33 sentence, clause, word or phrase of this ordinance is for any reason held to be

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1 invalid or unenforceable by any court of competent jurisdiction, such decision
2 shall not affect the validity of the remaining provisions of this ordinance. The
3 Council hereby declares that it would have passed this ordinance and each
4 section, paragraph, sentence, clause, word or phrase thereof irrespective of
5 any provision being declared unconstitutional or otherwise invalid.

6 SECTION 13. COMPILATION. Sections 1-6 of this ordinance shall be
7 incorporated in and made part of the Revised Ordinances of Albuquerque,
8 New Mexico, 1994.

9 SECTION 14. EFFECTIVE DATE. This ordinance takes effect five days after
10 publication by title and general summary.

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1 PASSED AND ADOPTED THIS 6th DAY OF February, 2023
2 BY A VOTE OF: 7 FOR 2 AGAINST.

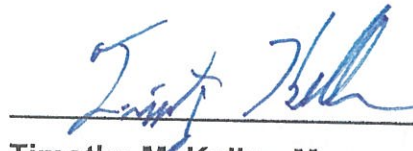
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4 For: Benton, Davis, Fiebelkorn, Grout, Jones, Peña, Sanchez
5 Against: Bassan, Lewis

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9 Pat Davis, President
10 City Council

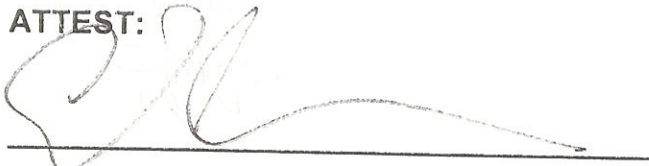
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13 APPROVED THIS 13 DAY OF February, 2023

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16 Bill No. F/S(3) O-22-47

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19 _____
20 Timothy M. Keller, Mayor
21 City of Albuquerque

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25 ATTEST:

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28 Ethan Watson, City Clerk

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