

# CITY of ALBUQUERQUE

## TWENTY FIFTH COUNCIL

COUNCIL BILL NO. R-23-120 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Pat Davis, Tammy Fiebelkorn, and Klarissa Peña by request

1 RESOLUTION

2 APPROVING THE TRANSIT DEPARTMENT'S FARE EQUITY ANALYSIS OF THE  
3 PROPOSAL (O-23-71) FOR PERMANENT ZERO FARES FOR ART AND SUNVAN  
4 SERVICE.

5 WHEREAS, pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C.  
6 §2000d et seq. ("the Act") and 49 CFR Part 21, the U.S. Department of  
7 Transportation and the Federal Transit Administration (FTA) prohibit  
8 discrimination on the basis of race, color or national origin; and

9 WHEREAS, as a recipient of FTA funds, the Transit Department is required  
10 to comply with the requirements of the Act and applicable implementing  
11 regulations; and

12 WHEREAS, pursuant to FTA Circular 4702.1B, the Transit Department is  
13 required to conduct a fare equity analysis for any changes to fares and to submit  
14 that equity analysis to its governing entity for approval; and

15 WHEREAS, the City Council is considering a change to the City's Transit  
16 Fares (§ 7-2-1-1 ROA 1994) that make zero fares permanent for Albuquerque  
17 Rapid Transit (ART) lines and SunVan paratransit service but not for the rest of  
18 ABQ RIDE's routes; and

19 WHEREAS, the Equity Analysis of the Proposal (O-23-71) for Permanent Zero  
20 Fares for ART and SunVan Service concluded that there was no disparate  
21 impact on minorities as defined in the Department's 2020 Title VI Program; and

22 WHEREAS, the Equity Analysis concluded that there was no  
23 disproportionate burden on low-income households as defined in the 2020 Title  
24 VI Program; and

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1 WHEREAS, the Council has considered and determined to approve the  
2 Transit Department's Equity Analysis of the Proposal (O-23-71) for Permanent  
3 Zero Fares for ART and SunVan Service.

4 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
5 ALBUQUERQUE:

6 Section 1 That the Equity Analysis as set forth in the attached Exhibit A  
7 entitled "City Council Proposal for Permanent Zero Fares for ART and SunVan  
8 Service (O-23-71) ABQ RIDE Fare Equity Analysis" is approved.

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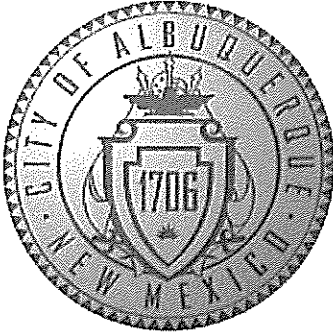
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Mayor Timothy M. Keller

# CITY OF ALBUQUERQUE


## Albuquerque, New Mexico

### Office of the Mayor

#### INTER-OFFICE MEMORANDUM

March 28, 2023

**TO:** Pat Davis, President, City Council

**FROM:** Timothy M. Keller, Mayor 

**SUBJECT:** Resolution approving the Transit Department's Fare Equity Analysis of the Proposal (O-23-71) for Permanent Zero Fares for ART and SunVan Service

Attached is a Resolution that would approve the Transit Department's Fare Equity Analysis of the City of Albuquerque Council Proposal for Permanent Zero Fares for ART and SunVan Service (O-23-71). Federal Transit Administration (FTA), per their Circular 4702.1B implementing Title IV of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.), requires recipients of FTA funding to conduct an equity analysis for any fare changes and for the recipient's governing body to review and approve that equity analysis.

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color or national origin in the provision of benefits from a program receiving Federal financial assistance, and FTA's implementation of that law includes a requirement for transit agencies to perform a fare equity analysis, approved by the City Council, whenever any fare changes are proposed. With the introduction and consideration of O-23-71, City Council is considering a change to the City's Transit Fares (§ 7-2-1-1 R.O.A. 1994) that would replace the current permanent fare structure with one that would make zero fares permanent for Albuquerque Rapid Transit (ART) lines and SunVan service. The Transit Department has conducted the required equity analysis of that proposal.

The fare equity analysis found that there is no "disparate impact" on minorities or "disproportionate burden" for low-income households.

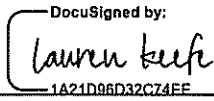
Legislation Title: APPROVING THE TRANSIT DEPARTMENT'S FARE EQUITY  
ANALYSIS OF THE PROPOSAL (O-23-71) FOR PERMANENT ZERO FARES FOR ART  
AND SUNVAN SERVICE

Approved:



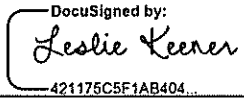
Lawrence Rael                      Date  
Chief Administrative Officer

Approved as to Legal Form:

DocuSigned by:  
 3/30/2023 | 12:42 PM MDT  
1A21D96D32C74FE

Lauren Keefe                      Date  
City Attorney

Recommended:

DocuSigned by:  
 3/28/2023 | 2:18 PM MDT  
421175C5F1AB404

Leslie Keener, Director                      Date  
Transit Department

# FISCAL IMPACT ANALYSIS

TITLE: APPROVING THE TRANSIT DEPARTMENT'S FARE EQUITY ANALYSIS OF THE R: PROPOSAL (O-23-71) FOR PERMANENT ZERO FARES FOR ART AND SUNVAN FUND: SERVICE  
O: 663/661  
DEPT: Transit

- ☒ No measurable fiscal impact is anticipated, i.e., no impact on fund balance over and above existing appropriations.
- ☐ (If Applicable) The estimated fiscal impact (defined as impact over and above existing appropriations) of this legislation is as follows:

		2022	Fiscal Years 2023	2024	Total
Base Salary/Wages		-	-	-	-
Fringe Benefits at	47.93%	-	-	-	-
Subtotal Personnel		-	-	-	-
Operating Expenses		-	-	-	-
Property		-	-	-	-
Indirect Costs	9.60%	-	-	-	-
Total Expenses		\$ -	\$ -	\$ -	\$ -
<hr/>					
<input checked="" type="checkbox"/> Estimated revenues not affected					
<input type="checkbox"/> Estimated revenue impact					
Revenue from program		-	-	-	-
Amount of Grant		-	-	-	-
City Cash Match		-	-	-	-
City Inkind Match		-	-	-	-
City IDOH		-	-	-	-
Total Revenue		\$ -	\$ -	\$ -	\$ -

These estimates do not include any adjustment for inflation.

\* Range if not easily quantifiable.

Number of Positions created 0

**COMMENTS:** City Council is considering changes (O-23-71) to the Transit Fare Ordinance to replace the current fare structure, suspended for a specific limited time by the Zero Fares Pilot Program, with a new fare structure that would make zero fares permanent for Albuquerque Rapid Transit (ART) lines and SunVan service.

## COMMENTS ON NON-MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:

The fare equity analysis is required by the Federal Transit Administration (FTA) under Title VI of the Civil Rights Act of 1964 as a condition of receiving FTA grants. There is no monetary impact from the equity analysis itself, but it will keep the City in compliance with FTA rules so that the City can continue receiving FTA grant funding. This Fiscal Impact Analysis is for the resolution approving the equity analysis, not for the Council-initiated fare proposal (O-23-71) itself.

PREPARED BY:

DocuSigned by:  
Karen Lopez  
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FISCAL MANAGER

APPROVED:

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Leslie Keene 28/2023 | 2:18 PM MDT  
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DIRECTOR (date)

REVIEWED BY:

DocuSigned by:  
Haiyan Zhao  
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EXECUTIVE BUDGET ANALYST

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BUDGET OFFICER (date)

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Christine Boerner  
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CITY ECONOMIST



Timothy M. Keller  
Mayor



# **City Council Proposal for Permanent Zero Fares for ART and SunVan Service (O-23-71)**

## **ABQ RIDE Fare Equity Analysis**

**City of Albuquerque  
Transit Department**

**March 2023**

## **Title VI Equity Analysis Overview & Conclusions**

### **City of Albuquerque Council Proposal to Establish Permanent Zero Fare on Albuquerque Rapid Transit and Sun Van Service (O-23-71)**

#### **Albuquerque's Current Fares:**

- Basic cash fare of \$1 per ride or \$2 per day pass or \$30 per month for full adult fares. Discounted fares of \$0.35 per ride or \$1 per day pass or as little as \$10 per month for various qualifications such as age, disability, student or veteran status.
- These fares are currently suspended for the Zero Fares Pilot Project. After the pilot project is over, the regular fares go back into effect.

#### **Proposed Fares (O-23-71)**

- Establishes permanent zero fares for the Albuquerque Rapid Transit lines and Sun Van service, regardless of whether Zero Fares Pilot Program continues system-wide.

#### **Equity Analysis Per Federal Transit Administration Rules**

- The purpose of the equity analysis is to ensure that fare changes do not impose a greater impact on minority or low-income riders than other riders.
- It compares the proposal to the current, permanent fare structure.
- It uses the most recent on-board survey data to compare what fare types each population uses and how those fare types would change in cost and/or means of payment.
  - Only on-board survey data is useful since no other data (like Census data) provides information about transit fares used by riders.
- The analysis finds that there would not be a disparate impact on minority riders.
- The analysis finds that there would not be a disproportionate burden on low-income riders.

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## 1 Executive Summary

City Council has introduced an ordinance to remove all fares for the Albuquerque Rapid Transit (ART) service and Sun Van service. This proposal would amend Albuquerque's fare ordinance (§ 7-2-1-1) to permanently make transit service for these two segments of the City of Albuquerque's transit system zero fares (O-23-71). The proposal's stated purpose for this fare change is to further the City's commitment to transit equity and to improve mobility options for people who forgo the use of a personal vehicle for any number of reasons including financial situations, the desire to reduce one's environmental impact, or if disabilities prevent an individual from using a personal vehicle. No reductions in service would accompany or result from this fare change.

Because ABQ RIDE receives federal funds, it is required under Federal Transit Administration (FTA) regulations to prepare a "Fare Equity Analysis" whenever changes in its fare structure are proposed. The purpose of this analysis is to identify whether the proposed fare change will have a disparate impact on minorities or will have a disproportionate burden on low-income riders. Transit agencies are required to avoid, minimize or mitigate such impacts.

Based on analysis of the most recent available data for fare products used by demographic groups, this equity analysis finds that the proposal would not have a disparate impact on minority riders nor would it present a disproportionate burden on low-income riders.

## 2 Scope of this Equity Analysis

This equity analysis follows the requirements of the Federal Transit Administration's Circular C 4702.1B "Title VI Requirements and Guidelines for Federal Transit Administration Recipients," specifically the requirements laid out for "Fare Equity Analysis" on pages IV-19 – IV-21. Per those requirements, it is focused on the effects of the proposed permanent fare change on minority and low-income riders, relative to non-minority and non-low-income riders, compared to the current fare structure, which is temporarily suspended during the Zero Fares Pilot Project. This analysis does not assess the validity of policy arguments for or against the proposed ordinance beyond quantifying equity impacts. Rather, it analyzes demographic data of riders by fare type to determine whether the proposed fare structure will have disparate impacts on minorities (the term used in Circular 4702.1B) or disproportionate burdens on low-income riders. The scope of this analysis is focused on the ART fare change only because the Title VI fare equity analysis requirements only pertain to fixed route transit service.

## 3 Background

In the fall of 2021, the City of Albuquerque initiated a "Zero Fares Pilot Project" through funding resolutions and, through O-21-67, a change to the City's fare ordinance. In February 2023 the Council amended the fare ordinance to extend the Zero Fares Pilot Project until an analysis is

completed, recommendations made, and a Council decision reached on whether to extend or terminate Zero Fares.

While there has not been a final decision whether or not to resume fare collection, three City Councilors have proposed to change the fare ordinance (O-23-71), to fully subsidize fares for the popular ART lines. The preamble to the ordinance includes information and opinions that the sponsors believe support the rationale for the ordinance. Some of the benefits of this change would be to improve transit equity, improve access for people who are unable to drive, and to support alternatives to using a personal vehicle. ART service was selected for zero fares because the sponsors believe it has a history of providing service without fare, and because one of the features of ART service is allowing passenger boardings at all doors to reduce dwelling time and to expedite travel times, thereby requiring additional efforts to verify compliance with fare payment requirements.



#### 4 Current and Proposed Fares Overview and Basis for Analysis

For almost 20 years, little changed in the City of Albuquerque's transit fare structure until the City began the Zero Fares Pilot Project in 2022 to test the idea of not charging fares at all. The Pilot Project suspended all fare collection for both fixed routes and paratransit for one year. The City Council approved an ordinance in early 2023 that extended the Zero Fare Pilot Program until further analysis and recommendations are completed and the Council decides to continue or eliminate the program.

The baseline for this equity analysis is the fare structure that will go back into effect after the expiration of the Zero Fares Pilot Project. However, more relevant are the demographic characteristics of riders by which bus routes they use. This proposal would provide the benefit of permanent zero fares only for riders of the ART routes. (Technically the ART lines meet the definition for the Federal Transit Administration's "Rapid Bus" mode of transit, so this proposal in effect is for zero fares by mode.) This analysis will use data from the most recent 2022 onboard passenger survey (responses gathered from approximately 1,400 riders) which yielded information about the demographics of riders on different routes. Data was collected through onboard, in-person interviews by contracted surveyors using a statistical sampling method to collect a representative sample of riders across the fixed-route bus network. The survey resulted in about 380 responses from riders on the two ART routes and about 1,020 responses from riders on other routes.

#### 4.1 Current Fare Structure

ABQ RIDE's underlying fare structure, suspended by the Zero Fares Pilot, includes a large number of fare products that vary widely in duration and discounts (Table 1). Although the official fare structure break out many specific categories, the fares generally fall into two main groups: full fares for adults who do not qualify for a variety of discounts, and discounted fares for various qualifying individual. Discounted passes in some cases are only available through participating social service agencies. Qualifications for a person to receive discounts include household income under 150% of the Federal poverty rate, having a disability, being a student, being 62 years or older, or receiving Medicare for reasons other than age. (In the spring of 2021 the Department began a promotional program to allow seniors 60 years and older and students 25 years and younger to ride for free.) Discounts are also available to City employees and employees at organizations signed up through ABQ RIDE's "transportation management" marketing program.

Single-ride fares for ABQ RIDE were one dollar for full fare and thirty-five cents at the discounted rate. Longer-term passes ranged from two dollars for a full-fare one-day pass for unlimited rides (one dollar at the discounted rate) to \$225 for an annual pass (\$90 at the discounted rate), with intermediate terms from two- and three-day passes to one-month, three-month, and six-month passes.

By Federal law, Sun Van fares for paratransit service cannot exceed twice the full bus fare, so Sun Van fares are \$2 per trip. A multi-trip discount is offered through a 10-ride book of coupons for \$18.

#### 4.2 ABQ RIDE Funding Arrangements with Educational Institutions

Prior to the Zero Fares Pilot Project, ABQ RIDE had funding agreements with the University of New Mexico (UNM) and the Central New Mexico Community College (CNM). In FY 2021, UNM provided

**Table 1**

Fare Type	Current Fare
Adult Fare - one trip	\$1.00
Student Fare - one trip	\$0.35
Honored Citizen Fare - one trip	\$0.35
Honored Citizen One-Day Pass	\$1.00
Adult Gold 1-Month Pass	\$30.00
Adult Gold 3-Month Pass	\$75.00
Adult Gold 6-Month Pass	\$125.00
Adult Gold 12-Month Pass	\$225.00
Student & Honored Citizen Silver 1-Month Pass	\$12.00
Student & Honored Citizen Silver 3-Month Pass	\$30.00
Student & Honored Citizen Silver 6-Month Pass	\$50.00
Student & Honored Citizen Silver 12-Month Pass	\$90.00
College Vocational 1-Month Pass	\$12.00
College Vocational 3-Month Pass	\$30.00
College Vocational 6-Month Pass	\$50.00
College Vocational 12-Month Pass	\$90.00
One-Day Pass - unlimited trips	\$2.00
Two-Day Pass - unlimited trips	\$4.00
Three-Day Pass - unlimited trips	\$6.00
City Employee 1-Month Pass	\$14.00
Transportation Management (TMA) Pass	\$20.00
Indigent Assistance Pass (1 month)	\$10.00
Adult One-Day Pass	\$2.00
Indigent One-Day Pass	\$1.00
Student One-Day Pass	\$1.00
Sun Van Para-Transit One Way	\$2.00
Sun Van Para-Transit 10 Coupon Book	\$18.00

\$100,000 to ABQ RIDE to fund a program that allows students, faculty, and staff to use transit services for free. The funding arrangement with CNM allowed students to use transit services for free for an annual payment of \$90,000. During the Zero Fares Pilot Project, ABQ RIDE and these entities agreed not to continue these funding arrangements.

### **4.3 Proposed Zero Fares for ART**

City Council members have proposed a new fare structure to replace the Zero Fares Pilot Project with a permanent Zero Fares program that applies exclusively to ART service (and Sun Van service, which is outside the scope of this analysis). As described in the proposed ordinance, the change is intended to promote transit equity, mobility, and access.

The proposed ordinance is silent about changes to the remainder of the transit fixed routes. Because the ordinance does not change fares or fare structure for those segments of Albuquerque's transit service, presumably full fares would resume at the conclusion of the Zero Fares Pilot Program. This analysis is performed assuming the current fares established by ordinance §7-2-1-1 are reinstated and zero fares only remain for ART.

## **5 Federal Transit Administration Fare Equity Analysis**

Based on Title VI of the Civil Rights Act of 1964, the FTA requires any transit agency receiving FTA funds and having a service area of more than 200,000 residents to conduct a fare equity analysis for any magnitude of fare increase or decrease. The purpose of the fare analysis is to determine if the proposed fare changes will have a disparate impact on minority riders or a disproportionate burden on low-income riders. If a disparate impact on minority riders will occur, the transit agency is required to consider alternatives and must use the alternative with the least impact that still accomplish the agency's legitimate program goals. If the analysis finds a disproportionate burden on low-income riders, the agency should take steps to avoid, minimize or mitigate burdens where practicable.

### **5.1 Demographics of ABQ RIDE Ridership and Service Area Population**

FTA's Title VI requirements define "minorities" and provide guidance for agencies to define "low-income." Essentially, the regulations define "minorities" as anyone who identifies themselves as non-white or who identifies themselves as white Hispanic. FTA encourages agencies to define a locally developed "low-income" threshold that is at least as inclusive as the Department of Health and Human Services poverty guidelines.

Information about the minority status of the population within ABQ RIDE's service area is available from the 2014-2018 5-year American Community Survey (ACS) estimates for Census block groups. Minorities numbered 418,368 or 60.2% of the total. The white, non-Hispanic population was

276,926, comprising less than half of the population at 39.8%. ABQ RIDE's ridership has a somewhat higher proportion of minorities than the population of the service area. Based on the 2017 on-board survey of riders, 67.2% of riders identified themselves as minorities, and 32.8% identified themselves as white, non-Hispanic. In the 2022 on-board survey, a slightly larger percentage of riders identified as white non-Hispanic at 36.6%, with 63.4% identified as minorities.

As part of its 2020 Title VI Program, ABQ RIDE defines "low-income" to be households with income less than \$35,000 per year. This is comparable to the income requirements of 165% of the poverty level for a three-person household to qualify for the State of New Mexico Supplemental Nutrition Assistance Program (SNAP). Based on 2014-2018 5-year ACS estimates for Census block groups, low-income households make up 35.7% (96,926) of the total households (271,207) in the service area. According to the 2017 on-board survey, 84.1% of ABQ RIDE respondents lived in households with less than \$35,000 annual income, a much higher percentage than the service area. In the 2022 on-board survey, an even larger percentage (88.3%) of riders lived in such households.

## **5.2 Service Impacts of the Fare Change**

ABQ RIDE is proposing no service reductions to off-set the cost for the proposed zero fares program. Current service levels for fixed routes and ART service, though slightly reduced due to the current driver shortage, allow capacity for potential increased ridership due to zero fares. Zero fares, if made permanent for ART service alone, could impact service quality. It could cause more riders to shift to ART service and result in crowding on those buses and potentially longer dwell times with more passengers boarding and alighting.

Eliminating fares for ART service could result in longer walk times for low-income passengers who choose ART service instead of the fixed route bus on the same street. People with disabilities who could not as readily choose the free ART service if they are unable to navigate longer walks may have an incentive to choose Sun Van service, which would also be free if O-23-71 is approved.

Like the current Zero Fares Pilot Project, the zero fares for Sun Van could eventually result in Sun Van ridership requiring service that exceeds budgeted levels. Providing permanent zero fares for Sun Van service could incentivize more people to use that program to take advantage of the fare structure who otherwise would choose to ride fixed route buses. If that occurs, the City will need to assess whether it can increase the budget for Sun Van service or if it needs to reduce service for Sun Van or ABQ RIDE in a way that continues to comply with the Americans with Disabilities Act. ABQ RIDE will perform a service equity analysis as appropriate at that time.

## **5.3 Analysis of Title VI Equity Impacts**

ABQ RIDE's 2020 Title VI Program established a threshold for determining when adverse effects of a fare change are different enough between demographic groups of riders to rise to the level of a disparate impact on minorities or disproportionate burden on low-income riders. The threshold for

significance was established as a difference of 10% or more between minorities and non-minorities and 10% or more between low-income riders and non-low-income riders.

Compared to the overall population in ABQ RIDE’s service area, a somewhat higher percentage of ABQ RIDE riders are minorities, and a much higher percentage are from low-income households. Eliminating fares without a loss in service for segments of ABQ RIDE service would be a benefit to these riders. The impacts to passengers are further analyzed below.

For this analysis, the demographic characteristics of people who use ART service must be compared to the demographic profile of the remainder of the ABQ RIDE transit system. This data is drawn from the Spring 2022 on-board rider survey. Results show that the ART service has a higher proportion of minority passengers (Table 2). Because the beneficiaries of zero ART fares are more likely to be minorities than riders on other routes, the proposal does not create a disproportionate impact for minority passengers.

There are slightly fewer low-income passengers who use ART service, relative to the remainder of fixed routes (Table 3). The difference is about 1.5%, which is much less than the threshold (10%) that would be considered a significant difference as noted above. Passengers on ART service and all other fixed routes are roughly equal in terms of income. This means that providing zero fares to ART riders does not present a disproportionate burden to low-income passengers.

**Table 2**

<b>Minority Status by Route Type</b>	
<b>Route Type</b>	<b>% of Route Riders</b>
<i>ART Routes (382 rider responses)</i>	
Minority	71.2%
Non-Minority	28.8%
<i>All Other Routes (1,020 rider responses)</i>	
Minority	59.9%
Non-Minority	40.1%

**Table 3**

<b>Income Status by Route Type</b>	
<b>Route Type</b>	<b>% of Route Riders</b>
<i>ART Routes (356 rider responses)</i>	
Low-Income	87.1%
Non-Low-Income	12.9%
<i>All Other Routes (918 rider responses)</i>	
Low-Income	88.6%
Non-Low-Income	11.4%

## **6 Consideration of Public Comments on Proposed Fare Ordinance**

Three City Council sponsors introduced the proposed ordinance instituting these fare changes at City Council on January 6, 2023. The Finance & Government Operations Committee considered these changes and recommended a “Do Pass” for a Committee Substitute. The committee substitute adds changes unrelated to the fare proposal.

ABQ RIDE advertised the proposed fare change ordinance on its website on March 17<sup>th</sup> and solicited public comment. The website can be translated into many languages with Google Translate. In order to receive comments to consider any additional impacts for this equity analysis

to be considered by City Council, ABQ RIDE requested that the public send comments by March 28<sup>th</sup> but also provided notice of the Council's meetings to further consider the proposed ordinance so that members of the public could comment at that meeting.

ABQ RIDE received one general comment about zero fares during this time. The comment supported zero fares in general while expressing primary support for any fare structure that helps attracting and retaining drivers. Due to its general nature and currently undetermined impacts of zero fares on driver retention, the comment did not affect the conclusions of this equity analysis.

## **7 Conclusion**

As required by FTA rules, this equity analysis focused on the use of current fare products by minority and low-income riders in comparison to non-minority and non-low-income riders to identify significant differences and assess whether the proposed ordinance would, relative to that fare structure, create disparate impacts for minority riders or disproportionate burdens for low-income riders. Beyond that assessment, this focused analysis is not intended as an assessment of any overall benefits or problems with the proposed ordinance.

The analysis concludes that the proposed ordinance does not create a disparate impact on minority riders, nor does it present a disproportionate burden on low-income riders.