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1 economies, mitigates climate change, and provides a critical service for many  
2 individuals to carry out their day to day lives; and

3 WHEREAS, since 2017, the Administration and the City Council have  
4 exercised extensive due diligence in developing a Zero-Fare system and have  
5 enacted multiple pieces of legislation to test and implement Zero-Fares  
6 including:

- 7 • In 2017, the City Council enacted C/S R-17-243, implementing a fare free  
8 zone for buses inbound to the Alvarado Transportation Center,
- 9 • In March 2020, the City Council enacted the FY21 City Budget Priority  
10 Resolution (R-20-21), including a Public Infrastructure Priority aimed at  
11 transitioning to a system-wide, year-round fare free program for ABQ  
12 Ride building on the Mayor’s summer bus pass program for youth.
- 13 • In April 2021, the City Council enacted the FY22 Operating Budget  
14 Resolution (R-21-147), creating a non-recurring allocation of \$3,000,000  
15 to Transit Operating Fund (661) for the purpose of continuing Zero-Fares  
16 for ABQ Ride through June 30, 2022.
- 17 • In September 2021, the City Council amended the FY22 One-Year  
18 Objectives Resolution (R-21-148) with the enactment of R-21-173,  
19 amending R-21-147 to extend the Zero-Fare Pilot Program to December  
20 31, 2022. Resolution-21-148 also established an objective to submit a  
21 report to Council that monitored the impact to ridership volumes, cost of  
22 implementation at the system wide level and by operating hour, and a  
23 review of security calls per route and by type.
- 24 • In September 2021, the City Council enacted O-21-67, amending Section  
25 7-2-1-2 of the Transit System Ordinance and creating a new Section 7-2-  
26 1-3, suspending the enforcement of the violation of a person using the  
27 transit system for failure to pay the applicable fare until the end of the  
28 Zero-Fare Pilot Program.
- 29 • In September 2021, the City Council enacted R-21-178, clarifying that the  
30 intent of including \$3,000,000 in non-recurring funding in R-21-147 was to  
31 implement the Zero-Fare Pilot Program through June 30<sup>th</sup> 2022 .

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- 1 • In December 2021, the City Council enacted R-21-233, approving the
- 2 Transit Department’s Equity Analysis for implementing the Zero-Fare
- 3 Pilot Program.
- 4 • In February 2023, the City Council enacted O-22-47 “the Albuquerque
- 5 Transit Security and Equitable Access Ordinance”. The Ordinance
- 6 executed the following:
- 7 - Extended the Zero-Fare Pilot until a full twelve-month test was
- 8 completed and a city staff and stakeholder Technical Team issued
- 9 an evaluation report to the Mayor and the City Council in Fall of
- 10 2023, and
- 11 - Amended Chapter 7 Article 2, Section 1 of the Transit Ordinance,
- 12 and required security planning and fare and access studies to
- 13 improve accessibility and security.
- 14 • Since the enactment of O-22-47, the following legislation has been
- 15 enacted to ensure the safety of riders in the process of making the City’s
- 16 entire transit system permanently free:
- 17 - In January 2023, the City Council enacted R-22-95, which
- 18 approved the Equity Analysis for the implementation of O-22-47,
- 19 - In April 2023, the City Council enacted O-23-71, which amended
- 20 Chapter 7 Article 2, Section 1 of the Transit Ordinance to establish
- 21 Permanent Zero-Fares on Albuquerque Rapid Transit and Sun Van
- 22 Service through the Transit Department’s Qualification Process,
- 23 and expanded Chapter 12 Article 2, Section 19 of the Criminal
- 24 Code related to offenses relating to public order and safety,
- 25 - In April 2023, the City Council enacted R-23-120, which approved
- 26 the Transit Department's Equity Analysis for O-23-71 for making
- 27 fares permanently free for Albuquerque Rapid Transit and Sun
- 28 Van services; and

29 WHEREAS, in September 2023, the Technical Team responsible for  
30 reviewing the Zero-Fare Pilot Program (per O-22-47) transmitted an Evaluation  
31 Report (per O-22-47) to the Administration, City Council, and the Transit  
32 Department. The report concluded the outcomes of the Zero-Fare Pilot Project  
33 substantiate the establishment of permanent Zero-Fares for Transit Department

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1 Transit Services which includes Albuquerque Rapid Transit, Sun Van, and  
2 Fixed-Route services; and

3 WHEREAS, the Zero-Fare Technical Team met 6 times between March and  
4 May 2023 and was comprised of community representatives from organizations  
5 including Albuquerque Health Care for the Homeless and the Transit Advisory  
6 Board and also included City of Albuquerque staff from the Office of Equity and  
7 Inclusion, City Council Services, and ABQ Ride; and

8 WHEREAS, the Technical Team focused on three aspects of the Zero-Fare  
9 Pilot Program in its Evaluation Report: 1) Operational Expenses, 2) Ridership  
10 Demographics, and 3) Security/Cleanliness. Key recommendations outlined in  
11 the Evaluation Report that supported the Technical Team’s recommendation to  
12 make Zero-Fare permanent were as follows:

- 13 • Operational Expenses: Reinstating fares and a pass system would  
14 result in a net revenue loss of \$1,785,000, which is about 3% of the  
15 Transit Department’s Operating Budget (\$58 million).
- 16 • Ridership Demographics: The Transit Department’s On-Board Survey  
17 results collected in Spring and early Summer of 2022, during the pilot  
18 program, indicated that 88% of riders had household incomes of less  
19 than \$35,000 per year and 89% of riders either did not have vehicles or  
20 have available access to vehicles. The survey also indicated that 61% of  
21 rides were for the purpose of performing necessary daily functions, in  
22 the categories of work (28%), shopping (19%), college/university/school  
23 (6%), medical (4%), and other business related (4%).
- 24 • Security/Cleanliness: Safety and security data collected by ABQ Ride,  
25 Metro Security, and the Albuquerque Police Department (APD) identified  
26 the following during the pilot program: 1) there was no increase in violent  
27 crime including assault, battery, disorderly conduct, and sexual assault,  
28 2) 69% of security incidents happened outside of fare-controlled areas  
29 (such as at bus stops and transit centers) and 3) narcotic incidents and  
30 loitering incidents did increase, though the narcotics increase may be  
31 related to an increase in the overall narcotics challenges facing Cities  
32 across the country. For example, the following transit systems are not

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1           **Zero-Fare systems but also experienced a significant increase in illegal**  
2           **narcotics incidences:**

- 3           – **In February of 2022 the Seattle Times reported that drugs on the**  
4           **transit system’s buses have become an everyday hazard for area**  
5           **transit workers,**
- 6           – **In August of 2022 the Portland Mercury reported that the Tri-Met**  
7           **system experienced a 41% increase in narcotics calls,**
- 8           – **In February of 2023 the Los Angeles Time reported that in 2022,**  
9           **20 passengers passed away from narcotics episodes on the**  
10           **transit system and 21 narcotics fatalities occurred during the first**  
11           **two months of 2023. Further, in 2022 drug use complaints to the**  
12           **transit system’s application more than doubled, and**
- 13           – **In January of 2023 the Minneapolis Star Tribune reported that in**  
14           **2022 narcotics complaints increased by 192% on the transit**  
15           **system.**

16           **WHEREAS, to continue ensuring the safety of the Transit Department’s**  
17           **passengers and staff and assist Metro Security and APD, the Transit**  
18           **Department has implemented the following safety measures:**

- 19           • **Weekly Security meetings with ABQ RIDE, Metro Security, APD,**  
20           **Albuquerque Community Safety, Office of Equity and Inclusion, and the**  
21           **Bernalillo County Sheriff’s Department.**
- 22           • **Began a proactive approach to public engagement.**
- 23           • **Installed visual safety messages on each bus.**
- 24           • **Implemented an on-board audio message that reminds passengers of the**  
25           **“Rules to Ride”.**
- 26           • **Improved lighting at the Transit Department’s five bus stations and is**  
27           **testing new lighting configurations at several shelters.**
- 28           • **Granted full access to the Real Time Crime Center and Narcotics Unit for**  
29           **more than 2,600 cameras on buses and facilities.**
- 30           • **Reactivated “Emergency Security Call Buttons” at each ART station.**
- 31           • **In collaboration with the APD, removed shelters that were attracting**  
32           **unlawful behavior.**

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- 1 • Studying and testing an application that will allow passengers to report
- 2 an incident in real time to Security in a safe manner.
- 3 • Enforcing the City Council update to §7-2-2-1, making it illegal to loiter at
- 4 bus stops, bus shelters, ART platforms, and transit facilities.
- 5 • The Transit Department’s Dispatch Center is actively monitoring ART
- 6 platforms and when inappropriate activity, loitering or trash is detected
- 7 by APD, Metro Security or Transit Maintenance is notified to address the
- 8 issue; and
- 9 • APD has created a Transit Unit, to provide sworn police office support to
- 10 Metro-Security’s Transit Security Unit.

11 WHEREAS, the results of the Zero-Fare Pilot Program indicate there will  
12 still be no reduction of service due to the provision of additional funding to  
13 cover lost revenue, and that the enactment of this Ordinance is reaffirming the  
14 findings of the Transit Department’s previous Equity Analysis (R-21-233); and

15 WHEREAS, after compiling the results of the Zero-Fare Pilot Program  
16 across these three focus areas, it is the recommendation of the Technical Team  
17 to make fares permanently free for its Albuquerque Rapid Transit, Sun Van, and  
18 Fixed-Route services.

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

21 SECTION 1. Delete Section §7-2-1-1 ROA 1994, “FARES AND PASSES,” and  
22 replace with a new section as follows:

23 “§ 7-2-1-1 DEFINITIONS.

24 For the purpose of this article, the following definitions shall apply unless  
25 the context clearly indicates or requires a different meaning.

26 TRANSIT DEPENDENT PASSENGER. A person without an independent  
27 source of transportation who relies on public transit for local movement  
28 access.

29 ZERO-FARE. A transit fare fully funded by means other than collecting  
30 fares from passengers, enabling a passenger to board transit vehicles without  
31 paying a fare or presenting a pass.”

32 SECTION 2. Delete Section §7-2-1-2 ROA 1994, “ZERO-FARE PILOT,” and  
33 replace with a new section as follows:

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1 **“§ 7-2-1-2 FARES**

- 2 (A) **ABQ Ride or Regular Bus Route Service. Shall be Zero-Fare.**
- 3 (B) **Albuquerque Rapid Transit Service. Shall be Zero-Fare.**
- 4 (C) **Sun Van Paratransit Service. Shall be Zero-Fare.**
- 5 (D) **Event and Premium Service Fares. For the purpose of providing transit**
- 6 **service for special events or premium services, the Chief Administrative Officer**
- 7 **may establish, for a period of up to 180 days, fares for the specified limited**
- 8 **services as long as it does not adversely affect Transit Dependent Populations**
- 9 **as defined in § 7-2-1-1 of this article.”**

10 SECTION 3. § 7-2-1-3 VIOLATION is amended as follows.

11 “ It shall be a violation of § 7-2-1-~~1~~ 2 (D) for any person using the transit  
12 system to fail to pay ~~[the applicable fare]~~ an event or premium service fare. Any  
13 person in violation of § 7-2-~~1~~-2 (D) is guilty of a misdemeanor and subject to  
14 the penalty provisions set forth in §1-1-99 ROA 1994. ~~[Enforcement of § 7-2-1-~~  
15 ~~3 is suspended during the implementation of the Zero-Fare Pilot.]”~~

16 SECTION 4. SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
17 clause, word or phrase of this ordinance is for any reason held to be invalid or  
18 unenforceable by any court of competent jurisdiction, such decision shall not  
19 affect the validity of the remaining provisions of this ordinance. The Council  
20 hereby declares that it would have passed this ordinance and each section,  
21 paragraph, sentence, clause, word or phrase thereof irrespective of any  
22 provision being declared unconstitutional or otherwise invalid.

23 SECTION 5. COMPILATION. Sections 1-5 of this ordinance shall be  
24 incorporated in and made part of the Revised Ordinances of Albuquerque,  
25 New Mexico, 1994.

26 SECTION 6. EFFECTIVE DATE. This ordinance takes effect five days after  
27 publication by title and general summary.

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