



Legislation Details (With Text)

**File #:** O-22-62  
**Type:** Ordinance  
**File created:** 12/5/2022  
**Status:** Withdrawn  
**In control:** City Council  
**Final action:** 1/18/2023  
**Enactment date:**  
**Enactment #:**

**Effective date:**

**Title:** Appropriating Funds To Expand Transit Security; Making Adjustments To The Transit System To Improve Transit Security And Transit Equity; Adjusting The Definition Of Peace Officer To Include Transit Security And Metro Security; Adding Disobeying A Motor Coach Operator To The Definition Of Disorderly Conduct; Adjusting Public Transit Fares (Davis, Fiebelkorn)

**Sponsors:** Pat Davis, Tammy Fiebelkorn

**Indexes:**

**Code sections:**

**Attachments:** 1. O-62

Date	Ver.	Action By	Action	Result
1/18/2023	1	City Council	Withdrawn	Pass
1/4/2023	1	City Council	Postponed	Pass
12/5/2022	1	President	To be heard at the Council Meeting	
12/5/2022	1	City Council	Introduced	

**CITY of ALBUQUERQUE**  
**TWENTY FIFTH COUNCIL**

COUNCIL BILL NO. O-22-62 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Pat Davis, Tammy Fiebelkorn

ORDINANCE

Appropriating Funds To Expand Transit Security; Making Adjustments To The Transit System To Improve Transit Security And Transit Equity; Adjusting The Definition Of Peace Officer To Include Transit Security And Metro Security; Adding Disobeying A Motor Coach Operator To The Definition Of Disorderly Conduct; Adjusting Public Transit Fares (Davis, Fiebelkorn)

WHEREAS, public transit exists as a public service that provides a mobility option for those who forgo the use of a personal vehicle for any number of reasons including financial situations,

differing abilities, or a desire to reduce one's environmental impact; and

WHEREAS, public transit, including our Sun Van service, makes our city more equitable by increasing access to jobs, activities, and commerce for individuals who may not be able to access these opportunities otherwise; and

WHEREAS, Albuquerque made a significant investment and sacrifices to develop a rapid transit system along Central Avenue and everyone should be able to benefit from it; and

WHEREAS, the City desires to make the use of public transit, including our Sun Van services, as easy as possible for Albuquerque residents and tourists; and

WHEREAS, the City Council unanimously instituted the Zero Fare Pilot Program, which called for a study to assess the program allowing the Council to make an informed decision about the future of the program; and

WHEREAS, the transit system has long had security issues that existed prior to the beginning of the Zero Fare Pilot Program that have continued at nearly the same levels during the program according to Transit data; and

WHEREAS, many security incidents happen at bus stops rather than on the buses themselves; and

WHEREAS, the City Council previously committed one million dollars to increase Transit Security and desires to renew that commitment.

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

SECTION 1. The following amounts are hereby adjusted to the following programs and funds from fund balance, working capital balance, and/or revenue for operating City government in Fiscal Year 2023:

GENERAL FUND - 110

Transit Department

Transfer to Transit Operating Fund (661)	1,000,000
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\$1,000,000 is designated for the purpose of improving Transit Security through increased personnel and improved operations.

SECTION 2. The Administration is directed to investigate options for allowing Sun Van users to self-attest regarding ADA paratransit eligibility and to reduce burdens on users when applying for and using Sun Van.

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

“(A) Public transit boarding areas, including bus stops, ~~located within a street median~~ are reserved for passengers only. It shall be a violation of this section for any person to be present in these boarding areas except for:”

(1) A passenger boarding or exiting the designated public transit vehicle who has already paid the applicable fare for the public transit service; or

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

(3) City-authorized persons.

(4) An individual passing through the boarding area.

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

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

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

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

The definition of “PEACE OFFICER” shall be amended as follows:

“*PEACE OFFICER*. Campus security officers, police officers, transit security, metro security, and any other public official or public officer vested by law with a duty to maintain public order or to make arrests for crime, whether that duty extends to all crimes or is limited to specific crimes.”

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

“RESISTING, OBSTRUCTING OR REFUSING TO OBEY AN PEACE OFFICER.”

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

“§ 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 1<sup>st</sup> 2022.~~ will continue until the initial twelve-month period is completed, a full analysis and 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. Section 7-2-1-1 is hereby amended as follows:

“The following fares shall be charged by the City for transportation services by the Albuquerque Transit System, with the exception of the Albuquerque Rapid Transit Line which will have a zero fare:”

SECTION 10. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

SECTION 11. COMPILATION. Sections 2-6 of this ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

SECTION 12. EFFECTIVE DATE. This ordinance takes effect five days after publication by title and general summary.

