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Title: F/S(3) The Albuquerque Transit Security And Equitable Access Ordinance, Amending Chapter 7 Article 2, Section 1 Of The Transit Ordinance, Requiring Security Planning And Fare And Access Studies To Improve Accessibility And Security On The Abq Ride And Sun Van Transit Systems (Peña, Davis, Fiebelkorn, Lewis)

Sponsors: Klarissa J. Peña, Pat Davis, Tammy Fiebelkorn, Dan Lewis

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1/18/2023	3	City Council	Substituted	Pass
1/18/2023	3	City Council	Postponed as Substituted	Pass
1/4/2023	3	City Council	Amended	Pass
1/4/2023	3	City Council	Amended	Pass
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12/5/2022	2	City Council	Substituted	Pass
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11/7/2022	1	City Council	Substituted	Pass
11/7/2022	1	City Council	Postponed as Substituted	Pass
10/3/2022	1	President	To be heard at the Council Meeting	
10/3/2022	1	City Council	Introduced	

CITY of ALBUQUERQUE

TWENTY FIFTH COUNCIL

COUNCIL BILL NO. F/S(3) O-22-47 ENACTMENT NO. _____

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

ORDINANCE

F/S(3) The Albuquerque Transit Security And Equitable Access Ordinance, Amending Chapter 7 Article 2, Section 1 Of The Transit Ordinance, Requiring Security Planning And Fare And Access Studies To Improve Accessibility And Security On The Abq Ride And Sun Van Transit Systems
(Peña, Davis, Fiebelkorn, Lewis)

THE ALBUQUERQUE TRANSIT SECURITY AND EQUITABLE ACCESS ORDINANCE,
AMENDING CHAPTER 7 ARTICLE 2, SECTION 1 OF THE TRANSIT ORDINANCE, REQUIRING
SECURITY PLANNING AND FARE AND ACCESS STUDIES TO IMPROVE ACCESSIBILITY AND
SECURITY ON THE ABQ RIDE AND SUN VAN TRANSIT SYSTEMS.

WHEREAS, the City of Albuquerque operates ABQ Ride and Sun Van Paratransit which provide transit services to the Citizens of Albuquerque and Bernalillo County, providing millions of rides a year; and

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, these services are a low-emissions and zero fare alternative to automobiles for commuters, and are the primary means of transport for tens of thousands of persons who qualify as "Transit Dependent" in Bernalillo County as defined by the Federal Transit Administration of the United States Department of Transportation; and

WHEREAS, as with other transit agencies throughout the United States, security on board ABQ Ride Coaches, Sun Van Paratransit Vehicles, at bus stops, where many security incidents occur, and at transit stations, is becoming of increasing concern, to both the drivers of transit

vehicles and passengers. These concerns, if left unattended, will deter passengers from using transit and impede the recruitment and retention of motor-coach and paratransit vehicle operators over time; and

WHEREAS, the City Council previously committed \$1 million to increase Transit Security and desires to renew that commitment. It is imperative that the City of Albuquerque develop and implement a strategy to address security concerns on the transit system, including, creating near-term action plans to improve responses to incidents on transit vehicles, at bus stops and transit stations, better tracking and analyzing individual security incidents, trends, and developing and implementing a long-term public transit safety strategy; and

WHEREAS, an important management tool of public safety is the maintenance of high visibility facilities and equipment in prime condition to encourage patrons to use the asset constructively and not in a destructive manner. The Transit Department manages a large number of bus stops with benches, bus shelters, and ART Bus Stations. Providing premium maintenance for these stations is necessary to deter loitering and vandalism, and to promote comfort and enjoyment by the public; and

WHEREAS, the City of Albuquerque initiated a system wide Zero Fare Transit Pilot Project in June of 2022 through June of 2023. 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's security issues that existed prior to the beginning of the Zero Fare Pilot Program have continued during the Zero Fare Pilot Program with some types of illegal activity abating and others increasing; and

WHEREAS, there could be multiple benefits to a pass system that helps provide accountability amongst riders while also offering the benefits of zero fares. The Transit Department has completed a Federal Transit Administration required Equity Analysis to determine the impact of a pass fare structure on the Transit's Departments passengers and determined, if structured appropriately, would comply with the Federal Government's equity requirements pertaining to transit dependent populations; and

WHEREAS, for the success and long-term sustainability of the Albuquerque Transit System, it is imperative that the City establish competitive pay scales and a safe operating environment for motor-coach and paratransit van operators. For more than a decade, the City's Transit Department has been unable to staff a full complement of motor coach and paratransit van

operators due to below-market pay scales. In recent years the operator vacancy rate has required the Department to reduce the number of motor coaches serving bus routes, creating long wait times between bus arrivals, and diminishing the quality of the City's transit service; and

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

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

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

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

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

“(A) Public transit boarding areas, including bus stops, 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.
- (2) A passenger waiting in the designated boarding area 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 3. At the end of SECTION 12-2-5 add the following:

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

SECTION 4. The Administration is directed to develop and transmit to the City Council, within 60 days of the effective date of this Ordinance a plan to formalize the mission, responsibilities, authority, and structure of the Metro Security Division. The plan will include, but is not limited to, authority to issue citations, issue criminal trespass notices, and appropriately enforce City of

Albuquerque's policies, rules, and regulations. The plan will include a timeline for negotiation, training, and implementation that includes suggested language for an update to the Code of Ordinances to include a section for the Metro Security Division's Duties and Responsibilities.

SECTION 5. 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 the Zero Fare Pilot,

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

SECTION 6. 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 the Zero Fare Pilot."

SECTION 7. The Administration shall, by September 30, 2023, submit to Council for its receipt an evaluation report, as mandated by O-21-67, on the Zero Fare Pilot Project. The report shall, but is not limited to, reviewing the impacts of the project on transit system security, ridership, rolling stock maintenance and operations, and operational expenses. The Transit Department shall establish a technical team to oversee the study that shall include a member from the Transit Advisory Board, the City Council Services Staff, a representative from social service agencies whose clients fall within the category of transit dependent, and any other member the Transit Department considers beneficial to the development of the study.

SECTION 8. If the Post-Zero Fare Pilot Project study mandated in Section 7 of this Ordinance recommends the implementation of a permanent zero fare program, it shall also include a cost benefit analysis of the potential for creating a fare box universal pass-identification program as a method for improving security and safety aboard the Albuquerque Ride and Sun Van Systems. The analysis shall include, but is not limited to, reviewing a method for creating and distributing passes that is equitable and accessible for all persons, especially those qualified as transit dependent, the process for applying for, receiving

and replacing passes, the terms of the passes, the features that shall be included on the passes, and the ability to utilize technology as e-passes, apps, pass readers, and for applying for distributing and issuing and enforcing the use of passes. The analysis shall also review a process for distributing the passes identifying ways to assist social service agencies through funding or other means, and providing clientele with transit passes. In addition, the analysis shall also include a phase-in program, the estimated start-up cost for a full time pass program, the estimated annual cost to operate the program, and establish an administrative structure required to operate the program. The study shall further include an analysis of the logistics of boarding, presenting passes, and tracking passes to show impacts of a pass system on the timing of transit, impact on drivers, and how passes will be tracked to provide accountability. The study shall be overseen by a technical advisory team comprised of members from the Transit Department, the Metro Security Division of the General Services Department, the Office of Equity and Inclusion, the Council Services Department, the Information Technology Services Department, and other members the Transit Department deems beneficial to the team.

SECTION 9. The Transit Department shall establish a process by which applicants, for eligibility to use the Transit Department's Americans with Disabilities Act Paratransit Service (Sun Van), shall be able to self-certify as to their disability. To implement this program the Transit Department shall create an implementation plan to improve the access and the equity for qualifying for and utilizing the Department's Sun Van Service. The implementation plan is to be completed and transmitted to the Council Office by within fourteen weeks following the effective date of this ordinance. The self-attesting process shall be implemented no later than June 30th 2023. The implementation plan shall be overseen by a technical advisory team comprised of members from the Transit Department and Sun Van staff, Sun Van riders or members of the Paratransit Advisory Board, the Office of Equity and Inclusion, the Council Services Department and other members the Transit Department deems beneficial to the team. The implementation plan shall, but is not limited to, reviewing the following: streamlining the application process, the viability of applicants

self-attesting as to their condition, utilizing any of a variety of documents to prove the status of why applicants require the Sun Van Service, placing as much of the application process online as possible, improving on-line scheduling, identifying strategies to recruit and retain drivers, and the cost to implement the recommendations of the implementation plan.

SECTION 10. To address the increasing security issues on the City's Transit and Paratransit

Systems the City Administration shall develop a short-range tactical plan, a long-range security program and a security incident tracking system to respond to security calls for service on ABQ Ride motor coaches, Sun Van paratransit vehicles, and at bus stops and transit stations. This effort shall be a collaborative effort amongst relevant City Departments, which may include but is not limited to, the Albuquerque Police Department, the Metro Security Division of the Department of General Services, the Albuquerque Transit Department, the Office of Equity and Inclusion, and the Albuquerque Community Safety Department. The Bernalillo County Sheriff's Department shall be invited to participate in this initiative as the Transit Department operates routes in unincorporated Bernalillo County.

A. Tactical Plan. The tactical plan shall:

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

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

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

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

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

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

d. The tactical plan shall undergo an analysis by the Office of Equity and Inclusion

to determine if the plan will adversely impact or target persons unfairly.

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

B. Long Range Security Program. The Albuquerque Transit Department, the Albuquerque Police Department, the Metro Security Division of the Department of General Services, the Office of Equity and Inclusion, and the Albuquerque Community Safety Department with the assistance of the City Council Services Department shall conduct a study to develop a security program for the ABQ Ride Route system and the Sun Van systems, and the Transit Department's bus stops and transit stations. The study shall include the following objectives:

- a. Identify best practices for transit security systems recommended by the Federal Transit Administration.
- b. Provide a list of best practices used by transit agencies throughout the United States.
- c. Identify an organizational structure for a security organization that respects the culture and traditions of the Albuquerque community and provides an appropriate level of security for the ABQ Ride and Sun Van paratransit systems, including:
 - 1) Recommending if security should be a component of the Transit Department or continue to be provided through the services of the Albuquerque Police Department, the Metropolitan Security Division, and the Albuquerque Community Safety Department.
 - 2) If Transit Security is recommended to be a stand-alone division within the Transit Department, the recommendation should include, but is not limited to, the following:
 - i. If the Division will be a transit security service, transit police service, or community safety outreach service, or a combination of the above,
 - ii. If the Division will include a training academy,
 - iii. The anticipated budget,
 - iv. The appropriate staffing level and pay schedule,
 - v. If there will be a civilian oversight board for the transit security, or if it will come under the existing Civilian Police Oversight Agency, and
 - vi. If the Division will be subject to the CASA with the Department of Justice.

d. An inventory of existing security technologies employed by the Transit Department, technology upgrades that would support security and safety, and the cost to implement the improvements.

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

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

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

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

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

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

- 1) Include calls for service made to the Metro Security Division, the Albuquerque Police Department, and the Albuquerque Community Safety Department,**
- 2) Categorize the total number of calls for service by type of incident as classified in the Federal Bureau of Investigation's Uniform Crime Reporting System,**
- 3) Include the number and types of calls for service by route, including on motor-coaches, paratransit vans, at bus stops and transit facilities, and**
- 4) Be communicated to the City Council by Executive Communication within 30 days of the conclusion of the quarterly reporting period.**

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

c. Incorporate the Albuquerque Community Safety Department's

Demographic Data Reporting Model into the security incident report template.

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

- a. Activating bus stations and stops with public art, and other aesthetic and/or Crime Prevention Through Environmental Design improvements, and
- b. Establishing regular presence and natural surveillance at bus stations and stops through the growth of the Adopt-a-Stop program.

SECTION 11. 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.

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

Transfer to Transit Operating Fund (661)	500,000
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\$500,000 is designated for the purpose of conducting the plans and studies mandated in this ordinance and assisting in funding the implementation of such plans and studies.

SECTION 12. 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 13. COMPILATION. Sections 1-6 of this ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

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

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