



Legislation Details (With Text)

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**Enactment #:** O-2023-011  
**Effective date:** 4/21/2023

**Title:** C/S Amending Chapter 7 Article 2, Section 1 Of The Transit Ordinance To Establish The Permanent Zero Fare On Albuquerque Rapid Transit And Zero Fare For Sun Van Service Through The Transit Department's Qualification Process; Expanding Chapter 12 Article 2, Section 19 Of The Criminal Code Related To Offenses Relating To Public Order And Safety (Davis, Fiebelkorn, Peña)

**Sponsors:** Pat Davis, Tammy Fiebelkorn, Klarissa J. Peña

**Indexes:**

**Code sections:**

**Attachments:** 1. O-71, 2. O-71 Approved Committee Substitute, 3. CS O-71Enacted

Date	Ver.	Action By	Action	Result
4/21/2023	3	City Clerk	Published	
4/17/2023	3	Mayor	Signed by the Mayor	
4/7/2023	2	City Council	Sent to Mayor for Signature	
4/3/2023	2	City Council	Passed	Pass
4/3/2023	2	City Council	Postponed	Fail
3/20/2023	2	City Council	Accepted with a recommendation Do Pass, As Substituted	
3/13/2023	1	Finance & Government Operations Committee	Substituted	Pass
3/13/2023	1	Finance & Government Operations Committee	Sent to Council with a recommendation of Do Pass, as Substituted	Pass
2/6/2023	1	President	Referred	
2/6/2023	1	City Council	Introduced and Referred	
2/6/2023	1	City Council	Introduced and Referred	

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

COUNCIL BILL NO.     C/S O-23-71     ENACTMENT NO. \_\_\_\_\_

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

## ORDINANCE

C/S Amending Chapter 7 Article 2, Section 1 Of The Transit Ordinance To Establish The Permanent Zero Fare On Albuquerque Rapid Transit And Zero Fare For Sun Van Service Through The Transit Department's Qualification Process; Expanding Chapter 12 Article 2, Section 19 Of The Criminal Code Related To Offenses Relating To Public Order And Safety (Davis, Fiebelkorn, Peña)

AMENDING CHAPTER 7 ARTICLE 2, SECTION 1 OF THE TRANSIT ORDINANCE TO ESTABLISH THE PERMANENT ZERO FARE ON ALBUQUERQUE RAPID TRANSIT AND ZERO FARE FOR SUN VAN SERVICE THROUGH THE TRANSIT DEPARTMENT'S QUALIFICATION PROCESS; EXPANDING CHAPTER 12 ARTICLE 2, SECTION 19 OF THE CRIMINAL CODE RELATED TO OFFENSES RELATING TO PUBLIC ORDER AND SAFETY.

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 to people of all abilities; and

WHEREAS, public transit exists as a public service that provides a mobility option for those who either forgo the use of a personal vehicle for any number of reasons, including financial situations, a desire to reduce one's environmental impact, or whose disabilities prevent them from using a personal vehicle; and

WHEREAS, these services are not only a low-emissions and zero fare alternative to automobiles for commuters and disabled individuals who are unable to operate a private vehicle, but they 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, providing all members of the community access to free transit services furthers the City of Albuquerque's commitment to transit equity; and

WHEREAS, the people of Albuquerque, through the City of Albuquerque, completed a significant investment to develop an easily accessible rapid transit bus system along Central Avenue, and the best way for them to benefit from its services is by offering them free access; and

WHEREAS, a zero-fare model alleviates the need to staff the rear-door of an ART Motor-coach to verify passengers have paid their fares; and

WHEREAS, the City of Albuquerque has provided free transit service on Albuquerque

Rapid Transit for most of the line's operation since its initial operation date of November 30, 2019 and the City Council has determined that permanent free transit service should be offered to riders on this route; and

WHEREAS, to ensure that transit service is equally accessible to people of all abilities, the City Council and Transit Department have determined that Sun Van services should also be free; and

WHEREAS, the City Council and Transit Department have identified strategies for streamlining the qualification process for accessing Sun Van services that remains in compliance with Federal Transit Administration Americans with Disabilities Act Para-Transit requirements and standards; and

WHEREAS, offering a zero-fare paratransit service is critical to ensuring access for disabled persons to medical care, economic opportunities, and socializing events and such a service helps foster an equitable community by increasing access to jobs, activities, and commerce for individuals who are unable to access these opportunities otherwise; and

WHEREAS, as more zero-fare bus service is offered throughout the City, there will likely be a greater demand for adequate security officer staffing, along with proper enforcement mechanisms in order to ensure public safety; and

WHEREAS, as security officers assume more duties and responsibilities on buses, at bus stops, and at bus stations, they will also be subject to a wider variety of disturbances that require a broader range of enforcement procedures that are allowed within their authority as security officers.

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

SECTION 1. Section §7-2-1-1 ROA 1994, "FARES AND PASSES," is amended by inserting new paragraphs (A) and (B) and re-lettering all subsequent paragraphs accordingly:

"(A) The Albuquerque Rapid Transit Lines shall be free.

(B) Regular Fare Sun Van, shall be a free fare upon qualification for the service through the Transit Department's Qualification Process."

SECTION 2. Section §12-2-19 ROA 1994, "RESISTING, OBSTRUCTING OR REFUSING TO OBEY AN OFFICER," is amended by inserting paragraph (B) and re-lettering all subsequent paragraphs accordingly:

"(B) Knowingly obstructing, resisting or opposing any individual employed by the City for the

purposes of maintaining security within the city, City facilities and/or the City's transit system, including City buses and bus stops.”

SECTION 3. 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 4. COMPILATION. Sections 1-2 of this ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

SECTION 5. EFFECTIVE DATE. This ordinance takes effect five days after publication by title and general summary.

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