

# CITY of ALBUQUERQUE TWENTY FIFTH COUNCIL

COUNCIL BILL NO. C/S O-23-71 ENACTMENT NO. O-2023-011

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

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

8           **WHEREAS, the City of Albuquerque operates ABQ Ride and Sun Van**  
9   **Paratransit which provide transit services to the Citizens of Albuquerque and**  
10 **Bernalillo County, providing millions of rides a year to people of all abilities;**  
11 **and**

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

17           **WHEREAS, these services are not only a low-emissions and zero fare**  
18 **alternative to automobiles for commuters and disabled individuals who are**  
19 **unable to operate a private vehicle, but they are the primary means of**  
20 **transport for tens of thousands of persons who qualify as "Transit**  
21 **Dependent" in Bernalillo County as defined by the Federal Transit**  
22 **Administration of the United States Department of Transportation; and**

23           **WHEREAS, providing all members of the community access to free**  
24 **transit services furthers the City of Albuquerque's commitment to transit**  
25 **equity; and**

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

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

7           **WHEREAS, the City of Albuquerque has provided free transit service on**  
8 **Albuquerque Rapid Transit for most of the line’s operation since its initial**  
9 **operation date of November 30, 2019 and the City Council has determined that**  
10 **permanent free transit service should be offered to riders on this route; and**

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

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

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

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

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

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

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

4       **“(A) The Albuquerque Rapid Transit Lines shall be free.**

5       **(B) Regular Fare Sun Van, shall be a free fare upon qualification for the**  
6 **service through the Transit Department’s Qualification Process.”**

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

10       **“(B) Knowingly obstructing, resisting or opposing any individual employed**  
11 **by the City for the purposes of maintaining security within the city, City**  
12 **facilities and/or the City’s transit system, including City buses and bus stops.”**

13       **SECTION 3. SEVERABILITY CLAUSE. If any section, paragraph, sentence,**  
14 **clause, word or phrase of this ordinance is for any reason held to be invalid or**  
15 **unenforceable by any court of competent jurisdiction, such decision shall not**  
16 **affect the validity of the remaining provisions of this ordinance. The Council**  
17 **hereby declares that it would have passed this ordinance and each section,**  
18 **paragraph, sentence, clause, word or phrase thereof irrespective of any**  
19 **provision being declared unconstitutional or otherwise invalid.**

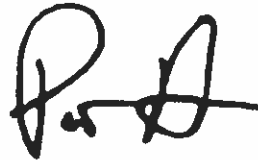
20       **SECTION 4. COMPILATION. Sections 1-2 of this ordinance shall be**  
21 **incorporated in and made part of the Revised Ordinances of Albuquerque,**  
22 **New Mexico, 1994.**

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

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1 PASSED AND ADOPTED THIS 3<sup>rd</sup> DAY OF April, 2023  
2 BY A VOTE OF: 7 FOR 2 AGAINST.

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4 For: Bassan, Benton, Davis, Fiebelkorn, Jones, Peña, Sanchez  
5 Against: Grout, Lewis  
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10 \_\_\_\_\_  
11 Pat Davis, President  
12 City Council  
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16 APPROVED THIS 17 DAY OF April, 2023  
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19 Bill No. C/S O-23-71  
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23 Timothy M. Keller, Mayor  
24 City of Albuquerque  
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28 ATTEST:

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31 Ethan Watson, City Clerk  
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