CITY of ALBUQUERQUE
SEVENTEENTH COUNCIL

COUNCIL BILL NO. F/S O-07-71 ENACTMENT NO. __________________________

SPONSORED BY: Isaac Benton

1 ORDINANCE
2 CALLING FOR A COST AND BENEFIT ANALYSIS OF THE MODERN STREET
3 CAR SYSTEM; CREATING A TASK FORCE TO STUDY AND REPORT ON
4 EXTENSION OF THE CURRENT TRANSPORTATION INFRASTRUCTURE TAX
5 IN THE CONTEXT OF CITY-WIDE TRANSPORTATION IMPROVEMENTS; AND
6 APPROPRIATING FUNDS FOR THESE PURPOSES; AND REPEALING
7 PROVISIONS OF ENACTMENT NO. O-2006-44 (COUNCIL BILL NO. F/S O-06-49)
8 AND REVIVING ENACTMENT NO. 14-1999, AS AMENDED.
9 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
10 ALBUQUERQUE:

11 Section 1. FINDINGS
12 A. The City Council adopted Bill No. F/S O-06-49 that extended
13 the Transportation Infrastructure one-quarter percent gross receipts Tax until
14 2020; and
15 B. A Modern Street Car system (“Street Car”) has been supported
16 by assertions regarding its positive economic development and
17 redevelopment impacts; inducement of more compact, mixed-use, and
18 pedestrian oriented forms of development; and positive impact on transit
19 ridership; and
20 C. The first phase of the Albuquerque Street Car, as identified in
21 Bill No. F/S O-06-49, would extend from Atrisco Drive to Washington Street on
22 Central Avenue; and
23 D. Bill No. F/S O-06-49 also identified areas for the expansion of
24 the Street Car; and
25 E. Bill No. F/S O-06-49 called for the creation of a Tax Increment
26 Development District (TIDD) along the entire Street Car route, as identified on
the map adopted with the legislation, that can capture up to 75% of the increase in property tax and gross receipts tax revenues to result from the TIDD improvements; and

F. Bill No. F/S O-06-49 indicated that the intent of the City is for the Street Car operations and expansion to be funded through the positive economic development impact of the Street Car resulting in greater property tax and gross receipts tax revenues captured by the TIDD; and

G. Additional analysis is needed to support the creation of the Tax Increment Development District (TIDD) and estimate TIDD revenues; and

H. An effective public transportation program requires that all aspects of such transportation be unified into a coordinated system rather than reviewed and acted on in a piecemeal fashion; and

I. Commissioned studies by experts will be most beneficial if reviewed by an independent group familiar with the City of Albuquerque that is concerned about protecting the best interests of the City and its residents; and

J. The City Council finds that the City of Albuquerque will be best served by the creation of a “21st Century Transportation Task Force” (Task Force) to report on and make recommendations with respect to issues related to the extension of the current Transportation Infrastructure Tax and the development of roadway, modern city-wide public transit, and other multi-modal transportation improvements; and

K. Such Task Force should consider the interrelation of and need for a transportation system involving automobiles, pedestrians, wheelchairs, bicycles, paratransit, buses, bus rapid transit (e.g., “Rapid Ride”), and fixed-rail transit.

Section 2. The provisions of Enactment No. O-2006-044 (Bill No. F/S O-06-49) shall be considered as an initial program, land use planning, and financing framework for the possible development of the Street Car by the consultants conducting the cost and benefit analysis and by the Task Force in its deliberations.

Section 3. An independent professional cost and benefit analysis of the proposed Street Car shall be conducted in the context of roadway, city-wide
Section 4. The cost and benefit analysis shall address the following:

A. For Phase One of Street Car development from Atrisco Drive to Washington Street:
   1. Summarize and evaluate the Administration’s cost estimates for the development of the system and provide revised estimates if needed;
   2. Summarize and evaluate the operating cost estimates for the system and provide revised estimates if needed;
   3. Summarize and evaluate the ridership and operating revenue assumptions for the system and provide revised estimates if needed;
   4. Summarize and evaluate the financing plan, and suggest and evaluate alternative financing plans as appropriate;
   5. Estimate any possible revenue shortfalls annually to 2020 and recommend possible methods to cover any shortfalls.
   6. Identify other likely revenue sources for development and operations in addition to those currently assumed, e.g., federal government, state government, Public Improvement Districts (PIDs), City Capital Improvement Program.
   7. Estimate the economic development and redevelopment impacts of Phase One of the system, including jobs created, additional development, and a range of possible increases in property taxes and gross receipts tax revenues.
   8. Estimate when the TIDD revenues in the Phase One area might completely fund the annual cost of the Street Car in that area (debt service, maintenance, operations).

B. For expansion of the Street Car beyond Phase One as identified in Enactment No. O-2006-044 (Bill No. F/S O-06-49), on the assumption that the TIDD is created at one time in this entire expansion area: Identify the per-unit cost (e.g., per block, mile, stop, station, etc.) for the expansion including professional-technical services, capital costs, maintenance, and operations.
C. Regarding the context of the Street Car in terms of roadway, city-wide public transit, and other multi-modal transportation improvements:

1. Analyze the current public transit system and current plans for expansion of the system, including bus rapid transit, queue jumper systems, dedicated lanes, and other elements of the fixed-route bus system in the context of the Albuquerque/Bernalillo County Comprehensive Plan (especially related to Centers and Corridors), the Planned Growth Strategy, the Long Range High Capacity Transit System plan, the Long Range Roadway System plan, internal planning documents of the City Transit Department, and other documents as relevant;

2. Analyze the current roadway system and current plans for its expansion and long-term performance in the same context as Section 4.C.1 above.

3. Evaluate the strengths and weaknesses of the proposed Phase One and expansion of the Street Car beyond Phase One in the context of the analyses conducted in Section 4.C.1 and 4.C.2 above.

4. Analyses and evaluations shall be based on the expected life of systems and equipment, operating costs, energy use, impact on air quality, and the needs of an aging transit-dependent population.

D. Related to potential impacts on the City of Albuquerque of the Street Car as recommended:

1. Provide an analysis of other possible positive effects on the City if Phase One were implemented. For instance, estimate the increase in gross receipts, property tax and lodgers revenues based on positive impacts on tourism.

2. Comment on whether, and to what extent, citizens in other cities are pleased or displeased with such investments.

E. In the context of the above analysis, provide findings and recommendations.

Section 5. There is hereby created the City of Albuquerque “21st Century Transportation Task Force” (“Task Force”).

Section 6. The Task Force will do the following:
A. Develop an understanding of the adopted City policies regarding roadways, public transit, and other multi-modal transportation improvements as contained in the Albuquerque/Bernalillo County Comprehensive Plan and in other relevant documents;

B. Review the history, expenditures, and the needs associated with the current Transportation Infrastructure Tax;

C. Review current plans for expansion of the roadways, public transit system, and other multi-modal transportation improvements;

D. Familiarize itself with the Street Car system as proposed;

E. Familiarize itself with the relationship between land-use regulation, transit and pedestrian/bicycle use;

F. Monitor the progress of the cost and benefit analysis as described above and evaluate its findings and recommendations;

G. Generate a report or reports (majority and/or minority if necessary) summarizing the available information and making recommendations with respect to the dedication of the Transportation Infrastructure Tax, the development of a Street Car in the context of roadway, city-wide public transit, and other multi-modal transportation improvements, and the financing of these improvements by May 1, 2008.

Section 7. The Task Force shall consist of the following:

A. Residents of Council Districts: nine members, one from each Council District, who shall be recommended by the Councilor from the District to the Mayor;

B. Business & Community Groups, representing:
   1. Greater Albuquerque Chamber of Commerce,
   2. Albuquerque Hispano Chamber of Commerce,
   3. Albuquerque Economic Development,
   4. Albuquerque Convention and Visitors’ Bureau,
   5. Kirtland Airforce Base,
   6. Albuquerque Public Schools,
   7. Sandia National Laboratories,
   8. Intel Corporation,
   9. University of New Mexico,
10. Central New Mexico Community College.

C. Support Organizations, including those representing:
   1. Mayor or designee,
   2. Transit Advisory Committee,
   3. Energy Conservation Council,
   4. Air Quality Control Board,
   5. Building Trades Council,
   6. Mid-Region Council of Governments,
   7. American Automobile Association – New Mexico Affiliate,
   8. Albuquerque Alliance for Active Living,
   9. Rails, Inc.,
   10. American Planning Association,

D. Technical Advisory Resources (non-voting members):
   1. City of Albuquerque Transit Department,
   2. City of Albuquerque Planning Department,
   3. City of Albuquerque Department of Municipal Development,

E. The Task Force shall be co-chaired by the City Councilor from District 3 and an economic development expert, who shall be non-voting members.

Section 8. Following notice to all members, the Task Force may meet with or without a quorum; all meetings of the Task Force shall be open to the public and conducted in City facilities; the Task Force may adopt such procedures for the conduct of its meetings as it deems appropriate.

Section 9. The Task Force shall have access to all City documents related to transportation, and the Administration shall supply such staff and other support as the Task Force deems necessary.

Section 10. The amount of $200,000 is hereby appropriated from the unreserved fund balance of the General Fund (110) to the Council Services Department to contract with the Mid Region Council of Government (MRCOG) to allow MRCOG to engage a consultant(s) and otherwise conduct the analysis referred to in this legislation.
Section 11. REPEAL OF PROVISIONS OF ENACTMENT NO. O-2006-44 AND REVIVAL OF PREVIOUS TRANSPORTATION TAX. Sections 1, 2, 3, 4, 5, 6(A), 6(B)(1)(b), 6(B)(2), 6(C), 6(D), 7, 8 and 9 of Enactment No. O-2006-44 (Council Bill No. F/S O-06-49) are repealed. These Sections of Enactment No. O-2006-44 provided for the repeal on July 1, 2007 of Enactment No. 14-1999 (Council Bill No. O-59) as amended by Enactment No. O-2005-67 (Council Bill No. O-05-146). To the extent that Enactment No. 14-1999, as amended, was repealed by Enactment No. O-2006-44, this ordinance shall be construed to revive Enactment No. 14-1999, as amended, (presently codified as Section 4-3-7-1 et seq. ROA 1994) which shall remain in full force and effect.

Section 12. Sections 6(B)(1)(a), 6(B)(3), and 6(B)(4) of Enactment No. O-2006-44 (Council Bill No. F/S O-06-49) shall take effect upon the effective date of this ordinance and shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994

Section 13. 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 14. EFFECTIVE DATE. This ordinance shall take effect five days after publication by title and general summary.