



# CITY OF ALBUQUERQUE

## City Council

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**To:** State of California Governor, Gavin Newsom

**From:** Albuquerque City Councilor Klarissa J. Peña

**Subject:** Support for AB 436 - Request for Signature

**Date:** September 19, 2023

Dear Governor Gavin Newsom,

My name is Klarissa J. Peña and I am a City Councilor in Albuquerque, New Mexico who has been a supporter of our local lowrider community and also the owner of a lowrider myself. The City of Albuquerque was the first municipality to repeal anti-cruising legislation in the country back in November 2018, and since then we have been convening a national network of communities aimed at supporting lowrider culture through a combination of lowrider/youth programming and legislative action. One of the municipalities we have worked with the closest is National City, California, where we met Jovita Arellano of the United Lowrider Coalition.

Over the past 3 years, we have collaborated with the United Lowrider Coalition to provide them with technical support on how to repeal anti-cruising legislation at the municipal level, but we were excited to hear the Coalition was making a push to repeal anti-cruising legislation at the state-level. Now that AB 436 is on the table, we wanted to be sure to provide our support to get this bill across the finish line.

In April 2023, the Albuquerque City Council passed legislation codifying a [policy brief](#) created by our local Cruising Task Force. This policy brief (also attached to this letter) outlines both a rationale and methodology for municipalities to repeal their anti-cruising legislation. My office will continue to share this policy brief with other municipalities around the country to support them in their work, but being able to communicate to them that California has already accomplished this at the state-level will only further our national cause. Our policy brief not only provides municipalities with a step-by-step process for repealing anti-cruising legislation, but also provides alternative strategies for celebrating their local lowrider communities and recognizing the role they play in supporting economic development. Please see the policy brief for more information on these alternative strategies.

My office is always available to discuss how to further advance this national initiative and we hope to continue to work with the United Lowrider Coalition and your office to find

innovative ways to support lowrider culture across the country. By bridging the gap between local lowrider car clubs, law enforcement, our youth, and local officials, every community has an opportunity to elevate local cruising events and celebrations that support our local residents and our economies.

Jeff Hertz is a policy analyst with my office who has been working on this initiative. You can reach him at his email at [jhertz@cabq.gov](mailto:jhertz@cabq.gov) or his cell at 505-452-7419 if you have any questions.

Encouraging your support for AB 436.

A handwritten signature in black ink, appearing to read 'K. Peña', with a stylized flourish at the end.

Klarissa J. Peña  
City Councilor, District 3  
Albuquerque, New Mexico

Cell: 505-503-5490  
Email: [kpena@cabq.gov](mailto:kpena@cabq.gov)



## CITY OF ALBUQUERQUE CITY COUNCIL

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### INTEROFFICE MEMORANDUM

**TO:** All Councilors

**FROM:** Jeff Hertz, Council Special Projects Analyst

**SUBJECT:** F/S OC-23-26 (Policy Brief - Repealing No-Cruising Legislation)

**DATE:** April 17, 2023

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On December 3, 2018, the City of Albuquerque became the first municipality to repeal legislation that defines “cruising” as a public nuisance and a violation of the local Traffic Code. Since then, three other cities have repealed their cruising ordinances around the country and one is in the process of repealing.

This OC transmits the City of Albuquerque’s Cruising Task Force analysis for receipt by the Council.

The Cruising Task Force’s analysis will also be transmitted to other municipalities that the City of Albuquerque has been in close contact with regarding repealing their respective legislation that defines cruising as a public nuisance. This analysis will also be transmitted to other municipalities that were identified in the white paper produced by Boise City Idaho Police Department and shared with the U.S. Department of Justice National Institute of Justice, entitled “Downtown ‘Cruising’ in Major U.S. Cities and One City’s Response to the Problem.”

To support other municipalities’ efforts in repealing their legislation, the Cruising Task Force will be promoting this policy brief via a wide variety of media outlets, including social media platforms like Facebook, Instagram, and Twitter, and national publications related to cruising, such as Lowrider Magazine. The Cruising Task Force will also be encouraging other municipalities to promote this policy brief through their own social media platforms and print media outlets.

#### **Scope of Problem**

- Noise, air pollution, obstruction of streets, congestion, hampering of access for emergency vehicles, and other unwanted traffic conditions can sometimes be created in the public right of way through a combination of “exhibition” and/or

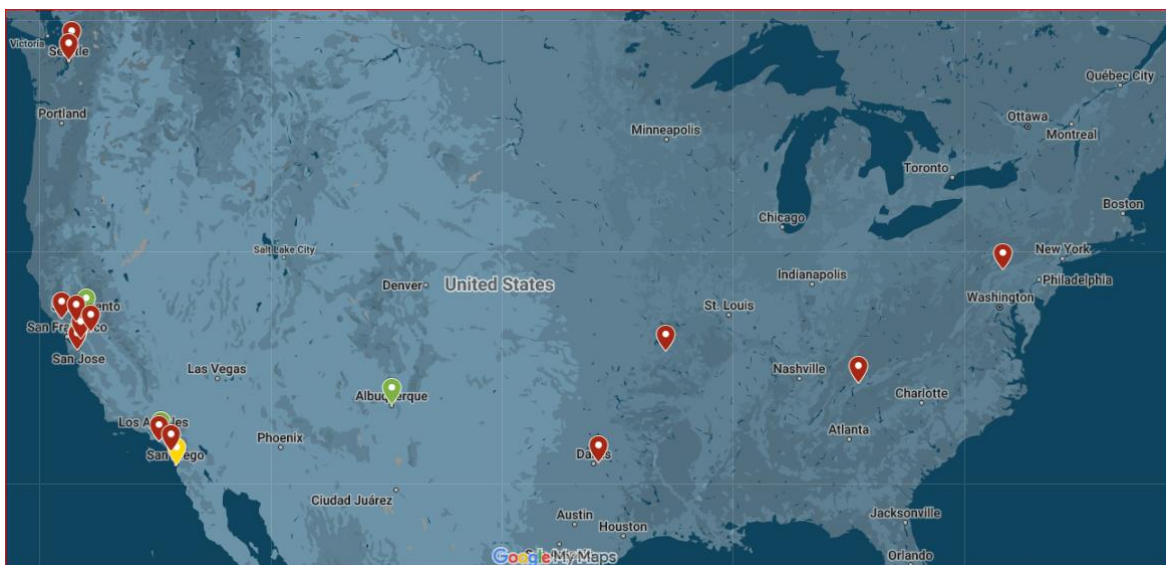
“reckless” driving. These traffic conditions can take place among any type of motor vehicle operator group occupying the public right of way.

- “Cruising” bans around the country sometimes contain sections that discriminate against particular types of special interest vehicle drivers or other subpopulations, such as “lowriders” or “cruisers.”
- These same bans sometimes associate ancillary (often stereotypical and/or discriminative) activities with cruising, such as displaying of a weapon, prostitution, gang activity, etc.

## Rationale

1. Local police departments already have the regulatory and enforcement “tools” to adequately address “exhibition driving” or “reckless driving” in their communities
2. Most “cruising” or “no-cruising” ordinances directly target a subpopulation of people and are subject to violating 1<sup>st</sup> Amendment Law.
3. Most cruising bans are not even being enforced.
4. Other municipalities around the country are repealing their cruising ordinances and finding alternative means of supporting their local cruising communities and other special interest motor vehicle groups.
5. Since repealing their cruising ordinances, municipalities are establishing stronger relationships with their local lowrider communities.

**Legislative Status:** Below is a nationwide map that includes locations of cities that 1) have already repealed their no-cruising legislation (in green), 2) are currently in the process of repealing their legislation (in yellow), and 3) could still repeal their legislation (in red). Note that there are other cities that have no-cruising legislation in place that could also repeal (based upon the white paper produced by Boise City Idaho Police Department and shared with the U.S. Department of Justice National Institute of Justice entitled “Downtown ‘Cruising’ in Major U.S. Cities and One City’s Response to the Problem”).



**Link to Online/Interactive Map:**

[https://www.google.com/maps/d/u/0/edit?mid=1eS166pSp89P-TLeZujCpt\\_3jeY0Kcss&usp=sharing](https://www.google.com/maps/d/u/0/edit?mid=1eS166pSp89P-TLeZujCpt_3jeY0Kcss&usp=sharing)

**Legislation Repeal Policy Brief**

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**Cities That Have Repealed**

Individual styles

- Albuquerque, New Mexico
- Sacramento, California
- San Jose, California
- Santa Ana, California

**Cities Working To Repeal**

Individual styles

- National City, California

**Cities That Could Still Repeal**

Individual styles

- Harrisburg, Pennsylvania
- Los Gatos, California
- Mesquite, Texas
- Livermore, California
- Newport Beach, California
- Knoxville, Tennessee
- Seattle, Washington
- Oceanside, California
- Santa Rosa, California
- Vacaville, California
- Springfield, Missouri
- Stockton, California
- Everett, Washington

**Links To Legislation That Cities Could Repeal**

- Everett, Washington
  - <https://everett.municipal.codes/EMC/46.48>
- Harrisburg, Pennsylvania
  - <https://ecode360.com/13738944>
- Knoxville, Tennessee
  - [https://library.municode.com/tn/knoxville/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH17MOVETR\\_ARTVOPVE\\_DIV1GE\\_S17-198CR](https://library.municode.com/tn/knoxville/codes/code_of_ordinances?nodeId=PTIICOOR_CH17MOVETR_ARTVOPVE_DIV1GE_S17-198CR)
- Los Gatos, California
  - [https://library.municode.com/ca/los\\_gatos/codes/code\\_of\\_ordinances?nodeId=CO\\_CH15MOVETR\\_ARTIIIOPVE\\_DIV2CR\\_S15.30.115CRPR](https://library.municode.com/ca/los_gatos/codes/code_of_ordinances?nodeId=CO_CH15MOVETR_ARTIIIOPVE_DIV2CR_S15.30.115CRPR)
- Livermore, California
  - <https://www.codepublishing.com/CA/Livermore/?LivermoreOT.html&?f>
- Mesquite, Texas
  - [https://library.municode.com/tx/mesquite/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH9MOVETR\\_ARTIINGE\\_S9-8CR](https://library.municode.com/tx/mesquite/codes/code_of_ordinances?nodeId=PTIICOOR_CH9MOVETR_ARTIINGE_S9-8CR)
- Newport Beach, California
  - <https://www.codepublishing.com/CA/NewportBeach/#!/html/NewportBeach12/NewportBeach1208.html#12.08.135>
- Oceanside, California
  - [https://library.municode.com/ca/oceanside/codes/code\\_of\\_ordinances](https://library.municode.com/ca/oceanside/codes/code_of_ordinances)

- Santa Ana, California,
  - [https://library.municode.com/ca/santa\\_ana/codes/code\\_of\\_ordinances?nodeId=PTIITHCO\\_CH36TR\\_ARTXIICR](https://library.municode.com/ca/santa_ana/codes/code_of_ordinances?nodeId=PTIITHCO_CH36TR_ARTXIICR)
- Santa Rosa, California
  - [https://library.qcode.us/lib/santa\\_rosa\\_ca/pub/city\\_code/item/title\\_11-chapter\\_11\\_16-11\\_16\\_020](https://library.qcode.us/lib/santa_rosa_ca/pub/city_code/item/title_11-chapter_11_16-11_16_020)
- Seattle, Washington
  - [https://library.municode.com/wa/seattle/codes/municipal\\_code?nodeId=TI111VETR\\_SUBTITLE\\_ITRCO\\_PT6SPDROPRE\\_CH11.69TRCOAR](https://library.municode.com/wa/seattle/codes/municipal_code?nodeId=TI111VETR_SUBTITLE_ITRCO_PT6SPDROPRE_CH11.69TRCOAR)
- Springfield, Missouri
  - [https://library.municode.com/mo/springfield/codes/code\\_of\\_ordinances?nodeId=PTIICO\\_CH106TRVE\\_ARTIINGE\\_S106-28CR](https://library.municode.com/mo/springfield/codes/code_of_ordinances?nodeId=PTIICO_CH106TRVE_ARTIINGE_S106-28CR)
- Stockton, California
  - [https://library.qcode.us/lib/stockton\\_ca/pub/municipal\\_code/item/title\\_10-chapter\\_10\\_32-10\\_32\\_010](https://library.qcode.us/lib/stockton_ca/pub/municipal_code/item/title_10-chapter_10_32-10_32_010)
- Vacaville, California
  - [https://library.qcode.us/lib/stockton\\_ca/pub/municipal\\_code/item/title\\_10-chapter\\_10\\_32-10\\_32\\_010](https://library.qcode.us/lib/stockton_ca/pub/municipal_code/item/title_10-chapter_10_32-10_32_010)

### **Policy or Program Alternatives**

- Developing a “Special Interest Vehicle Club Recognition Program” that celebrates the contribution that not only local lowriders make to the community, but all special interest vehicle operators contribute to their community. This type of program was created per the adoption of R-18-66 in the City of Albuquerque, but has not been formally created by the City’s Arts and Culture Department in collaboration with the Cruising Task Force.
- Developing “Cruising Boulevards” that includes visual cues and/or signage that supports/celebrates the appropriateness of cruising
- Developing special proposed routes that prioritize cruising on certain days and times of the week where cruising is already a regularly practiced tradition. The City of Albuquerque has explored opportunities to develop a special proposed route called “The Loop” to support all motor vehicle operators in the Downtown area on Sunday nights. This has not yet been implemented.

### **Appendices/ Recommended Sources**

- Downtown “Cruising” in Major U.S. Cities and One City’s Response to the Problem (Produced by Boise City Idaho Police Department and shared with the U.S. Department of Justice National Institute of Justice)
  - <https://www.ojp.gov/pdffiles1/Digitization/128337NCJRS.pdf>