

Press Release

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Joseph Aguirre, Spokesperson, Lead Coal Safety Brigade

On Twitter @ABQStreetFight

Community Safety Advocate requests NMDOJ investigation of CABQ/DMD conduct on Lead, Coal and Central Avenues

Joseph Aguirre, long time Lead-Coal community safety advocate, reports submitting a complaint to the New Mexico Department of Justice on Aug 25, asking that it investigate what he asserts is the City of Albuquerque's "sustained, patterned misconduct" in major transit and transportation projects on Lead, Coal, and Central Avenues.

In his complaint he alleges that in its 2010 health and safety document for the \$32M USDOT/FHWA Lead and Coal Avenues Improvements Project (LCIP) CABQ and the Department of Municipal Development (DMD) "concealed the very nature of the problem." He explains that even though the well known and formally identified purpose of the project was to fix the crash safety problem alongside homes on Lead-Coal, that's not what CABQ the feds. In the 2010 document, he explains, CABQ stated that LCIP was merely a quality of life project. He asserts that by concealing the crash problem from the feds, the City avoided studying it, and evaded any study of the safety of the preconstruction and post construction roadway design.

As a result, he says the section from Washington to Yale was dangerous and substandard before the project and is now, after. He says that it is a given that narrow residential side streets are not safe or suitable for principal arterial traffic and nothing about the project changed that. And he further explains that beyond universal issues along this roadway section there are several site specific, road design safety conditions that, apparently, did not get looked at during the LCIP.

In addition the complaint alleges that CABQ/ABQRide concealed the Lead-Coal safety problem in its August 2015 application to the USDOT/FTA for \$79M Small Starts grant funding for the Albuquerque Rapid Transit Project (ART).

For ART, CABQ/ABQRide had to submit not just a plan for the buses but also a plan for where traffic diverted from Central Avenue would go. In that plan, Lead and Coal Avenues were identified as principal diversion routes.

However, he points out that Lead-Coal near UNM and Nob Hill were clearly still dangerous in 2015, despite the LCIP. Notably, he says, the CABQ transit bus crash into a home at the notoriously crash plagued (then and now) intersection of Coal and Girard occurred in January 2015 in the middle of the public participation process for ART and just 7 months before CABQ/ABQRide finalized their application for Small Starts funding.

Aguirre says that, consequently, CABQ/ABQRide was untruthful then when they told the FTA that ART would have no significant impacts in the community and that CABQ had an obvious duty to divulge the crash problem on Lead Coal, including both the history of the LCIP and the bus crash. Further, he says that CABQ/ABQRide lied when they attested that there were no significant community concerns about the project. He asserts, based on his familiarity with the Small Starts application, that not only did CABQ/ABQRide not tell the FTA about the well documented public concerns that the diversion of Central Avenue traffic would make the Lead-Coal safety problem worse, CABQ/ABQRide made a point of keeping those concerns out of the record of public participation provided to the FTA.

How CABQ handled the two major USDOT projects in 2010 and 2015 is at the center of Aguirre's complaint. However, he alleges that during the Keller administration DMD has acted repeatedly to avoid a look at the safety of the road design on Lead-Coal between Washington and Yale and that this constitutes covering up a dangerous substandard road or previous misconduct or both.

Beyond CABQ's conduct, the complaint directs the NMDOJ to look at a "failure of oversight" at all levels. Aguirre says the public deserves to know whether the Mid Region Metropolitan Planning Organization (MR-MPO), NMDOT and USDOT provided proper oversight as these projects were in process and whether they have responded appropriately to subsequent concerns about dangerous conditions on Lead-Coal.

Aguirre says that he filed his complaint now because, after seven years and eight months of engagement with Mayor Keller and DMD, they seem no closer to getting to the root of the problem on Lead-Coal in his neighborhood. He says that whatever modest success may have been achieved with the last few years of tinkering, it isn't enough to finally put the problem to rest. He says it's time to stop putting this problem on the drivers.

He further explains that he decided to step away from engaging with the Mayor and DMD when they announced recently a plan to inform their decision making with a public survey asking residents to select their preferred option from a set of possible safety mitigation measures. Aguirre says a public survey is not the way to fix a dangerous, substandard road and CABQ's reckless indifference, over decades, to hundreds of crashes into and alongside homes.

As to what he wants to see happen with this complaint, Aguirre hopes public officials will ask Attorney General Raul Torrez to take a serious look. The public, he says, deserves to know the truth about the two highly impactful projects. He adds that most of the concerns in the complaint were reported previously to the New Mexico AG, before Torrez took office, and appear to have been buried. He encourages homeowners and residents along Lead-Coal from Washington to Yale to reach out to the AG, especially the many who have had collisions into or alongside their homes. He says perhaps more awareness of the complaint this time will make sure it gets proper attention.

As to what he hopes to get from an investigation, beyond accountability, he says he thinks that given CABQ's history of acting in bad faith with the community, the AG should assign a monitor to DMD's management of Lead-Coal safety, and assign an advocate for families who live along the impacted section. That he says may help get to a reasonable plan for Lead-Coal based on an honest look at what volume and mix of traffic these narrow residential side streets can safely handle.

Aguirre adds that he anticipates pushback to his complaint and that he expects to hear a claim that any questions about how Lead-Coal concerns were handled during the ART process were resolved during the 2016 Federal district court hearing on ART. He reports that he was in the courtroom for the duration of the proceeding and read the Federal district court and appellate court decisions in the matter, and that, unfortunately, although the proceeding touched briefly on Lead-Coal safety, the court did not look at whether CABQ concealed the Lead-Coal problem from the FTA. And, he says, unfortunately the court did not hear -what became known only after the hearing- that CABQ appears to have similarly concealed the Lead-Coal crash problem in a previous USDOT project, only a few years earlier, just blocks away from Central Avenue ART.

And, as to any pushback that the complaint is merely meant to impact the Mayoral election, he says it is Keller's failure to resolve the matter -after 7 years and 8 months- that makes it an election issue. Aguirre says he's not endorsing any candidate but believes that the Mayor's performance and the City's decades of failure on Lead-Coal clearly deserve to be looked at in the election. And says that leadership at all levels of government should be asking why \$32M of state and federal money didn't fix Lead-Coal. If they aren't, he says, that's part of the problem.

After decades of crashes into homes and what look like repeated moves to hide the problem rather than solve it, Aguirre says the long Lead-Coal saga represents a failure of government at all levels to perform its foremost duty -protect the people and keep families safe- and that it's important for the community broadly that this matter be put to rest.

Finally, he has some suggestions to the NMDOJ on how to be sure they execute a solid investigation. First, talk with impacted families, in their homes, to understand the experience of living along these streets, something that he believes too many public officials with a role in the matter have failed to do. And, second, choose your road safety and road project consultants with care. He says lots of experts in the public and private sector in New Mexico will have obvious conflicts of interest.