

**SANTA FE COUNTY**  
**RESOLUTION NO. 2018 - 39**

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**A RESOLUTION SUPPORTING CONTINUED SERVICE BY THE NEW MEXICO  
RAIL RUNNER**

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**WHEREAS**, the Board of County Commissioners of Santa Fe County (BCC) considers the continuation of service by New Mexico Rail Runner Express (NMRX) to be important to Santa Fe County and the Region; and

**WHEREAS**, Santa Fe County provides financial support of NMRX through the Santa Fe County Transit GRT, and 50% of that Transit GRT is allocated for the operation of NMRX; and

**WHEREAS**, the BCC is aware that the federal government has mandated Positive Train Control (PTC) systems be installed on all Class 1 freight and all commuter railroads by December 31, 2018, but has provided only minimal funding for implementation; and

**WHEREAS**, Rio Metro Regional Transit District (RMRTD) operates the NMRX on behalf of the New Mexico Department of Transportation (NMDOT), who owns the NMRX track and the NMRX rolling stock; and

**WHEREAS**, the NMDOT has indicated that it is unable to provide the capital funding required to implement PTC on the NMRX, estimated at \$55,000,000; and

**WHEREAS**, RMRTD has applied for multiple federal grants to facilitate funding the implementation of PTC, and has received \$3,600,000 through these efforts; and

**WHEREAS**, RMRTD began to receive an additional \$4,000,000 in FTA 5337 (State of Good Repair) formula funding annually beginning in federal fiscal year 2017 that is eligible to support PTC implementation; and

**WHEREAS**, in addition to pursuing PTC installation and the required funding, RMRTD has also pursued alternatives to installing PTC, including submitting for a mainline track exclusion (an exemption from having to install PTC) for the NMRX and these alternatives were not approved by the Federal Railroad Administration (FRA); and

**WHEREAS**, RMRTD, following guidance provided by FRA after their denial of the PTC exemption request, has been working with the FRA and tenant railroads (BNSF and Amtrak) to develop a "Risk Mitigation Plan" in accordance with 49 CFR § 236.1019(c) (1)(iii) to allow continued operations of the NMRX after the December 31, 2018, PTC implementation deadline in a temporary capacity; and

**WHEREAS**, RMRTD, working with the NMDOT, issued a Request for Proposals (RFP) on January 29, 2018 for the implementation of PTC on the NMRX; and

**WHEREAS**, RMRTD has applied for a State Infrastructure Bank (SIB) loan through NMDOT to partially fund the implementation of PTC on the NMRX using Rio Metro gross receipt tax funds to service debt; and

**WHEREAS**, RMRTD is working with Federal Transit Administration (FTA) to partially fund the implementation of PTC through a combination of current year FTA 5337 formula funds and grant anticipation financing using future FTA 5337 formula funds to service debt; and

**WHEREAS**, the State Transportation Commission will consider the SIB application at their March 15, 2018, regularly scheduled meeting in Rio Rancho, New Mexico; and

**WHEREAS**, the BCC believes that it would be in the best interest of the traveling public, and for regional connectivity, to continue Rail Runner services after the 2018 deadline, while the implementation of PTC is still pending; and

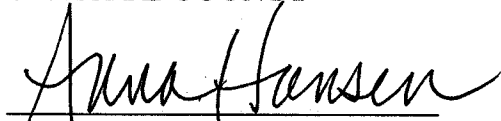
**WHEREAS**, the BCC wishes to express its support for a resolution to the PTC issues that ensures continuation of rail service after the December 31, 2018, federal deadline and the implementation of a PTC system.

**NOW THEREFORE BE IT RESOLVED** by the BCC as follows:

1. The BCC hereby supports the continued operation of the NMRX after the December 31, 2018, federal deadline for installing PTC, and encourages all persons and entities involved, including but not limited to the agents of the federal government, to take such steps as are reasonably practicable to permit and ensure the continued operation of the NMRX commuter service after the federal deadline, until the installation of a PTC system is completed;
2. The BCC also supports the RMRTD SIB loan application being considered by NMDOT, and RMRTD's efforts in working with FTA to finance a portion of PTC Implementation with grant anticipation financing using future FTA 5337 funds to service debt.

**PASSED, APPROVED, AND ADOPTED THIS 13<sup>th</sup> DAY OF MARCH, 2018.**

**BOARD OF COUNTY COMMISSIONERS OF  
SANTA FE COUNTY**



Anna Hansen, Chair

Attest:

*Geraldine Salazar*  
Geraldine Salazar, Santa Fe County Clerk



Approved as to form:

*R. Bruce Fredrick*  
R. Bruce Fredrick, Santa Fe County Attorney



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

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I Hereby Certify That This Instrument Was Filed for  
Record On The 15TH Day Of March, 2018 at 10:15:10 AM  
And Was Duly Recorded as Instrument # 1852329  
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
Geraldine Salazar  
Deputy *Estrella Martinez* County Clerk, Santa Fe, NM

SFC CLERK RECORDED 03/15/2018