

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2018-19**

3 **INTRODUCED BY:**

4
5 Councilor Peter N. Ives

6 Councilor Renee D. Villarreal

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10 **A RESOLUTION**

11 **IN SUPPORT OF CONTINUED OPERATION OF THE NEW MEXICO RAILRUNNER**
12 **EXPRESS AFTER A 2018 FEDERAL DEADLINE TO INSTALL POSITIVE TRAIN**
13 **CONTROL ON ALL COMMUTER AND CLASS 1 FREIGHT RAILROADS UNTIL**
14 **SUCH INSTALLATION IS COMPLETED; AND SUPPORTING THE RMRTD**
15 **APPLICATION FOR AN SIB LOAN TO FINANCE A PORTION OF POSITIVE TRAIN**
16 **CONTROL IMPLEMENTATION AS WELL AS FTA GRANTS.**

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18 **WHEREAS**, the Governing Body considers the continuation of service by New Mexico
19 Rail Runner Express (NMRX) to be important to Santa Fe and the region; and

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

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

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

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

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

8 **WHEREAS**, in addition to pursuing PTC installation and the required funding, RMRTD
9 has also pursued alternatives to installing PTC including submitting for a mainline track
10 exclusion (an exemption from having to install PTC) for the NMRX, however these requests were
11 denied by the Federal Railroad Administration (FRA); and

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

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

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

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

25 **WHEREAS**, the State Transportation Commission will consider the SIB application at

1 their March 15, 2018 regularly scheduled meeting in Rio Rancho, NM; and

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

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

8 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
9 **CITY OF SANTA FE** the Governing Body hereby supports the continued operation of the
10 NMRX after the December 31, 2018 federal deadline for installing PTC and encourages all
11 persons and entities involved, including but not limited to the agents of the federal government, to
12 take such steps as are reasonably practicable to permit and ensure the continued operation of the
13 NMRX commuter service after the federal deadline until the installation of a PTC system is
14 completed.

15 **BE IT FURTHER RESOLVED THAT** the Governing Body hereby supports the Board
16 of Directors of the RMRTD in their SIB loan application being considered by NMDOT as well as
17 RMRTD's work with the FTA to finance a portion of PTC implementation with grant anticipation
18 financing using future FTA 5337 funds to service debt.

19 PASSED, APPROVED AND ADOPTED this 28th day of March, 2018.

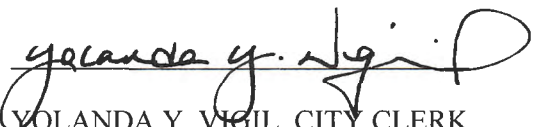
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24 ALAN M. WEBBER, MAYOR
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1 ATTEST:

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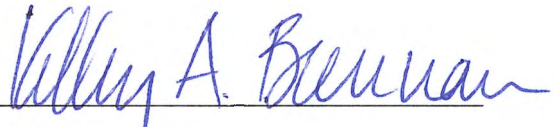


4 YOLANDA Y. VIGIL, CITY CLERK

5 APPROVED AS TO FORM:

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8 KELLEY A. BRENNAN, CITY ATTORNEY

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M/Legislation/Resolutions 2018/2018-19 Positive Train Control Support