

INCORPORATED COUNTY OF LOS ALAMOS RESOLUTION NO. 18-07

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

WHEREAS, the Incorporated County of Los Alamos (“County”) considers the continuation of service by New Mexico Rail Runner Express (NMRX) to be important to the County and the Region; and

WHEREAS, the County 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 Fifty-Five Million Dollars (\$55,000,000.00); and

WHEREAS, RMRTD has applied for multiple federal grants to facilitate funding the implementation of PTC, and has received Three Million Six Hundred Thousand Dollars (\$3,600,000.00) through these efforts; and

WHEREAS, RMRTD began to receive an additional Four Million Dollars (\$4,000,000.00) in FTA 5337 (State of Good Repair) formula funding annually beginning in federal fiscal year 2017 that is eligible for supporting 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. These requests were denied 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 (Burlington Northern Santa Fe Corporation 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 years FTA 5337 formula funds and grant anticipation financing using future FTA 5337 formula funds to service debt; and

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

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

WHEREAS, the County Council 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 for the implementation of a PTC system.

NOW THEREFORE BE IT RESOLVED THAT the County, 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 instillation of a PTC system is completed. Further, County hereby supports the RMRTD SIB loan application being considered by NMDOT and also supports RMRTD's efforts working with FTA to finance a portion of PTC Implementation with grant anticipation financing using future FTA 5337 funds to service debt.

PASSED AND ADOPTED this 3rd day of April, 2018.

**COUNCIL OF THE INCORPORATED
COUNTY OF LOS ALAMOS**

**David Izraelevitz
Council Chair**

ATTEST:

**Naomi D. Maestas
Los Alamos County Clerk**