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 SFMPO-TPB MEETING
 November 19, 2013**

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**MINUTES OF THE
SANTA FÉ MPO
TRANSPORTATION POLICY BOARD
November 19, 2013**

CALL TO ORDER

A regular meeting of the Santa Fé MPO Transportation Policy Board was called to order on the above date by Commissioner Chavez, Vice-Chair, at approximately 4:41 p.m. in the Large Conference Room, 500 Market Station, Suite 200, Santa Fé, New Mexico.

ROLL CALL

Roll call indicated lack of quorum, which was established later as follows:

MEMBERS PRESENT:

Ms. Tammy Hass for Deputy Secretary Katherine Bender, NMDOT
Commissioner Miguel Chavez, Santa Fé County
Ms. Sandra Maes for Robert Mora, Tesuque Pueblo
Commissioner Liz Stefanics, Santa Fé County
Councilor Ron Trujillo, City of Santa Fé (arrived later)

MEMBERS ABSENT:

Councilor Patti Bushee, Chair, City of Santa Fé
Commissioner Robert Anaya, Santa Fé County (excused)
Mayor David Coss, City of Santa Fé (excused)

STAFF PRESENT:

Mr. Mark Tibbetts, MPO Officer
Mr. Keith Wilson, MPO Planner

Also present: Ms. Rosa Gozub, NMDOT Bicycle/Pedestrian Liaison
 Mr. Dave Quintana, NMDOT
 Mr. Erick Aune, Santa Fé County
 Mr. Bill Craven, NMDOT Rail Bureau
 Mr. Frank Sharpless, NMDOT
 Mr. Aaron Detter, NMDOT

APPROVAL OF AGENDA

Chair Chavez deferred to staff on the agenda while waiting for quorum. Mr. Tibbetts suggested hearing the presentation of the draft State Rail Plan and the Updates.

Chair Chavez thanked Mr. Craven for being present and asked him to proceed with his presentation.

C. DISCUSSION/POSSIBLE ACTION (Revised Agenda Order)

1. Draft State Rail Plan

Mr. Bill Craven NMDOT Rail Bureau Manager said the Rail Plan was published for public and stakeholder review on October 1, 2013. Comments will be accepted through January 3, 2014.

A summary of Mr. Craven's presentation of the Rail Plan follows:

- The Purpose is: 1) to set forth state policy regarding passenger and freight rail transportation; 2) to present strategies and priorities to enhance rail service to benefit the public and 3) to serve as the basis for future federal and New Mexico rail investments.
- The Rail Plan is a federal requirement to receive future funding for inner-city passenger rail from the Federal Railroad Administration (FRA). Two major acts were passed by Congress: PRIA (Passenger Rail Investment and Improvement Act) and RSIA (Rail Safety Improvement Act). Both Acts expired on September 30th of this year and Congress is debating legislation to replace those. The TIGER Program was inaugurated in the stimulus bill in 2009.
- Public involvement and presentations of the Rail Plan were made to every MPO and RPO in the state. The input from those and the workshops were used to develop the Rail Plan and was published a month and a half ago. Once all input is received, the comments will be assembled into the Final Rail Plan and submitted to the (FRA) for approval by March, 2014. The approved Plan will be the State Rail Plan and effective for five years.
- The vision for New Mexico is a fully integrated and safe, multimodal passenger rail system that provides efficient passenger service to/from and within the state; and competitive options for New Mexico shippers that support sustainable, inclusive, economic development statewide.
- The four main goals of the Plan are: to support economic growth and development 2) improve railroad safety and security; 3) maintain current railroad assets and 4) promote efficient passenger rail service.
- The Rail Plan goals are:
 - To ensure rail investments support economic development by increasing capacity of freight corridors and developing local freight connections and promotion of rail-related tourism.
 - To improve railroad safety/security with Positive Trail Control, implementation of safety measures and improved highway rail grade crossing safety/security.
 - To maintain railroad assets: improve Class III rail lines and NMRX lines.
 - Promote efficient passenger rail service and passenger options and Rail Runner operations and identify stable, predictable funding.
- A federal mandate is all passenger and Class I railroads to implement Positive Control. The

estimate of adding Positive Control to the Rail Runner is about \$30 million. There are additional mandatory safety measures: the RSIA Safety Management Program of emergency notification signals at every grade crossing and crew/track worker safety rules.

- In the future the Class III lines will transition to a larger heavier freight car. Most bridges and rail lines do not that capacity and smaller cities will need to improve the lines.
- NMDOT wants to improve passenger rail options in New Mexico and long-term funding is needed. The primary source currently is 1/8% of the GRT (gross receipts tax) in the 4 counties where the Rail Runner operates (about \$13 million a year). There is barely enough money with GRT and other funds, to meet day-to-day operations.
- The federal funding available has restrictions and the New Mexico anti-donation clause prohibits the donation of money from state, counties, municipalities or school districts for property or to support loans for private entity in the state.
- Priorities for the State are to put in place mandated Positive Train Control; a state of good repair projects and grade crossing safety and freight rail expansion.
- Public investment potential system advancements are the El Paso/Las Cruces commuter rail (the money to continue a feasibility study has been appropriated) and Rail Runner capacity improvements in two areas that have no sidings.
- Private Investment potential system advancements are the Farmington freight rail link. New Mexico Tech is looking at viability and improvements in capacity for the BNSF and Union Pacific.
- Regional priorities are capital maintenance for the Rail Runner and NMRX; an At-Grade Crossing Safety Program and Rail Runner capacity improvements, subject to funding.

Mr. Craven said a link to the Rail Plan is on the DOT webpage.

Councilor Trujillo entered the meeting at this time.

Commissioner Stefanics said Mr. Craven commented on the anti-donation clause. She said the clause *does* allow investment in economic development. She said the NCED (North Central Economic Development) that every county sits on has expressed concern that Amtrak service might stop from northern New Mexico to Santa Fe. She understood it was a consideration for the State to get involved in rail repair.

Mr. Craven said a subsection allows funding for *new or expanded economic development*, but is questionable whether that supports Amtrak's operating costs or capital maintenance.

Mr. Frank Sharpless DOT Transit Rail Director said Mr. Ray Lang Senior Vice President of Amtrak had presented a concept in 2011 for five parties to bring \$4 million a year for ten years for maintenance on the BNSF line. He said a joint letter to Mr. Lang was sent in July 2012 from the three DOT Secretaries. The three secretaries said they would work with Amtrak to convince the Congressional delegation from Eastern states to fully fund Amtrak, but those efforts have not been successful.

Commissioner Stefanics asked why, if BNSF does freight, they would not want to invest.

Mr. Craven said BNSF does not operate freight between those lines. Amtrak and BNSF are negotiating

agreements and the existing agreement will expire at the end of 2015. BNSF has publicly stated their intent is to abandon the line if Amtrak ceases to use it.

Commissioner Stefanics asked if NMDOT has ideas how to support the Rail Runner.

Mr. Sharpless said a committee was formed for Rio Metro and from the discussion came two likely sources: a new pot of federal money (State of Good Repair Funding) of \$5-6 million a year. The Rail Runner would receive that in Federal FY 2015.

The other source is the GRT and the Rio Metro proposed a 1/8 of 1% tax, but the resolution that put the money on the ballot divided the 1/8 of 1% with 50% for the Rail Runner and 50% for local bus service. The discussion is either to change the distribution without increasing the GRT and allocate more money for rail; because not all of the money on the bus side had been spent at the end of the year. Or, to enable legislation for the RTD GRT to seek from voters, up to one half of 1% GRT in increments of 1/16th of a percent.

Commissioner Stefanics said RTD spent every penny of the GRT on the bus routes. She said in fact, they don't have enough for all of the routes they would like.

Chair Chavez opened the floor to Public Comment at this time.

Page Bernall said he arrived at Philmont by train in 1957 from Gainesville, Florida and that shaped his view of New Mexico and caused him to return here to live. He said in the East the freight lines are anti-passenger service. He asked if BNSF was also anti-passenger.

Mr. Sharpless said Congress created Amtrak in 1977 and vested them with rights to operate on any freight railroad in the country for an incremental cost. He said given that Amtrak is the only train on the BNSF line, Amtrak's incremental cost is the total cost to maintain that line. Amtrak wants the line maintained at Class IV (allowing them to run at 79 mph). He said BNSF is happy to maintain the line at Class II, but to maintain a Class IV would add tens of millions of dollars.

Mr. Bernall said his understanding was that BNSF advocated for that because the rail was unmaintained and dangerous, even for freight. He asked if things would be safer with a caboose on trains.

Mr. Craven said in 2002 the Earth Canyon Mine, the major shipper of coal closed. There are no major shippers on the line since and why this is no longer economically viable. He said he doesn't know the answer to the question about a caboose.

Mr. Bernall asked regarding the anti-donation clause, if there is no anti-donation clause for federal highways.

Mr. Craven explained it is not prohibitive for private entities to donate to the state, but the state could not donate to private entities.

Amy Bianco said she rides the Amtrak frequently and the Lamy through Raton route is a jewel for

passengers and they love it. She asked if it had been discussed about getting funding or publicity for that line.

Mr. Craven said a number of groups support Amtrak interstate passenger rail and promotes funding; mostly lobbying the state government. He said other fund raisers could possibly come up. He said Amtrak has indicated that rail line operation for another 10 years would cost a total of \$200 million.

Mr. Wiesner said there is talk about diverting the passenger part of the line north of Santa Fe.

Mr. Craven said the line would be diverted south if the agreement isn't reached. The line would divert through Amarillo, Clovis and Belen and not go through Raton.

Mr. Ford Robbins the New Mexico Section leader for the Southwest Chief Coalition said he would speak both personally and on behalf of the Coalition. He said he had two issues: there needs to be a discussion of the state of affairs between the Burlington Northern and Amtrak that clarifies the issue and what is happening on that.

He said his second issue is that Burlington Northern has said publicly they would seek abandonment of the line south of Lamy through Raton to Trinidad. He believes there would not be public input. He said it is imperative for New Mexico and the Rail Plan to address the potential abandonment. He said that line is crucial for future freight service and if abandoned, is lost forever.

Mr. Robbins said New Mexico needs to think about rail in a larger scope. The communities up there will fold economically without the railroad and the issue is bigger than Amtrak and the Plan does not address it.

Mr. Craven said he is making notes and comments would be addressed in the Final Rail Plan. He said BNSF would follow a process of an abandonment exemption. A petition would be made to the Surface Transportation Board for abandonment. A public notice would state they are looking for offers of financial support and anyone offering the money would be allowed to take the rail road.

Chair Chavez said he had not officially called the meeting to order. He asked for comments from the Board and there were none. He said one more public comment would be taken and he would move on to the agenda.

Mr. Wiesner asked what the comment about speed has to do with the amount of money needed.

Mr. Craven explained that higher operating speeds have higher costs. He said in Kansas and Colorado Amtrak only picks up incremental costs between the Class II (allowing peak speed at 45 mph) and Class IV (speeds to 79 mph).

Carl Boaz asked if the Public Regulation Commission (PRC) had a member on the team working on the Plan. Mr. Craven replied no, but PRC was consulted as part of the outreach effort.

Councilor Trujillo asked if the amount would double after the 10 years at \$200 million dollars.

Mr. Craven said that concern has been raised by the entities; if the state assumes federal responsibility to support Amtrak at \$4 million a year. Amtrak might say they need \$6 million at the next contract.

Having established quorum, Chair Chavez called the meeting to order.

APPROVAL OF MINUTES – August 29th, 2013

Members Present should reflect Councilor Trujillo as present.

Commissioner Stefanics moved to approve the Minutes of August 29, 2013 as amended. Ms. Maes seconded the motion and it passed by unanimous voice vote.

A. MATTERS FROM THE PUBLIC

Previously covered.

B. PUBLIC HEARINGS

1. Approval of the Title VI Plan – MPO Staff

Mr. Tibbetts said the title VI Plan addresses a civil rights issue that was an addendum to the PPP (Public Participation Plan.) The Plan focuses on communities in the Santa Fe area with limited English proficiency and accommodates all issues related to the Civil Rights Act. The document language is mostly required and forms to file a complaint in regard to accommodation are in the back.

He said the document was reviewed by the Office of Equal Opportunity in the DOT and went through a 45 day review from October 1 through November 15th 2013. He asked for approval of the document from the Board.

Commissioner Stefanics moved to approve the Title VI Plan. Ms. Maes seconded the motion.

Ms. Maes asked if the Plan only addressed Spanish-speaking and not Indian languages in the area.

Mr. Tibbetts said the document could be modified.

Chair Chavez opened the floor to Public Comment; seeing none the public hearing was closed.

The motion to approve the Title VI Plan was passed as presented by unanimous voice vote.

2. Approval of the Amended FFY 2014-1017 Transportation Improvement Program (TIP)

Mr. Wilson said he would go through the list of amendments to be incorporated into the TIP to get them on the record. He said the Staff Report contains more detail and the packet has a summary of changes.

Mr. Wilson reviewed changes: the I-25/Cerrillos Interchange request by DOT had almost doubled from \$9 million to \$17.5 million. The Herrera Drive construction is near the new Wal-Mart and three bridge maintenance projects are part of the DOT bridge maintenance program.

He said a Santa Fé Southern line at-grade crossing upgrade is listed and is requested by DOT to be moved into federal FY 2014. The project was not added to the amendment until halfway through the 15 day public review period and is at the Board's discretion whether to accept into the amendment.

Three projects at the Santa Fe Rail Trail to Avenida Vista Grande have only half the funds obligated in 2013 and this would add the remainder of funds in 2014.

He said there are the Transportation Alternative Programs. The Gonzales Community School bike and pedestrian safety improvements and bike rack purchase would provide a trail and bike racks for 23 elementary, middle and community schools.

Mr. Wilson said no public comment was received during the public review. He asked the Board to accept the revised projects into the amendment and approve Amendment II of the FY 2014.

Commissioner Chavez confirmed the dollar amount would also be approved by the Board.

There were no public comments and the public hearing portion was closed.

Commissioner Stefanics moved to accept the revised projects into the amendment and approve Amendment II of the federal FY 2014 and 2017. Councilor Trujillo seconded the motion and it passed by unanimous voice vote.

C. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

2. Approval of the 2014 Meeting Schedule

Commissioner Stefanics moved to approve the meeting schedule. Councilor Trujillo seconded the motion.

Mr. Tibbetts explained the schedule is for seven meetings; a minimum number. He said 2014 would have a Pedestrian Master Plan and a Transit Master Plan update and several public meeting opportunities. There may be need to call additional meetings.

Commissioner Chavez asked if worthwhile to identify possible dates.

Commissioner Stefanics said she would retract her motion to approve the schedule.

Commissioner Stefanics said the 5:00 o'clock meeting time does not accommodate some schedules. She said the Board used to meet at 4 p.m. She asked if feasible to meet earlier.

The Board discussed the meeting time and that there would be a new mayor and new commissioners in January.

Mr. Wilson said an option is to hold the Board meetings in Market Station, because of the ease to reserve the room and the timing would be less critical and gives flexibility.

Chair Chavez said it seemed consensus is to start meetings at 4:00 and if there is quorum at the meetings, they may be able to get the work done in the time allotted.

Ms. Maes said for the record, the Governing Body at Tesuque also made changes.

Mr. Wilson said he and Mr. Tibbetts discussed a potential meeting for January 23rd or 30th and at that time could discuss whether more than seven meetings would be needed. He said by that time Tesuque and the County would have had reorganizations and new members.

Councilor Trujillo suggested the Board approve the January meeting and then make other decisions.

Councilor Trujillo moved to approve a meeting Thursday, January 30, 2014 at 4:00 pm. Commissioner Stefanics seconded the motion and it passed by unanimous voice vote.

3. Approval of Revised Santa Fe MPO By-Laws

Mr. Tibbetts said this would not affect the Policy Board but does affect the bylaws. He said the TCC of the County is going through reorganization for representatives from Public Works. He pointed out the only change was on page 4 under the Bylaw Change: the *Santa Fé County Manager Open Space and Trails Program* would be changed to Project Development Division Director.

Commissioner Stefanics moved to approve the change as presented. Councilor Trujillo seconded the motion and it passed by unanimous voice vote.

4. Review of the Santa Fe MPO Joint Powers Agreement (JPA)

Mr. Tibbetts said the packet has an excerpt from the last year review and a finding is that the JPA was not specific enough. He said Corrective Action # 1 is shown on the back of the page. They are being asked to have specific information on roles and responsibilities, a conflict resolution provision and updates.

He explained that the JPA is a general document and the City/County/DOT and Tesuque Pueblo would work together as the MPO. He said staff feels there are issues on shared costs to meet the obligation of the local match for federal funds. A decision would be made either in the January or February meeting to

decide whether to leave that the same (the City pays 100% of the local match and is the fiscal agent.)

Mr. Tibbetts said the concern of the DOT and the FHWA is that the JPA needs more detail to specify the function, responsibility and authority of the Policy Board.

Commissioner Stefanics recommended staff draft a new JPA to address the missing components requested by the DOT and bring that back. She said in the future the Board should be given the recommendations that would be considered.

Ms. Maes asked if the JPA is strictly between MPO and the DOT or all Board members and the MPO.

Mr. Tibbetts explained there are two documents; the JPA forms the MPO and states the signatories will operate and abide by the rules in the federal code as an MPO.

Mr. Tibbetts said the MOA is with DOT and goes into specifics on responsibilities of DOT documents, funding etc. He said one is contractual and the other is an agreement and this could be an opportunity to separate and clarify the JPA, the bylaws and the MOA.

Commissioner Chavez said this would be on the next agenda for action.

5. Transportation Improvement Program (TIP) Project Updates.

Mr. Wilson said a table was done to keep a running tally of the TIP projects and is in the packet. He provided a quick review of projects. He said these are the major changes and he could be contacted if there were questions:

599/Jaguar interchange- is nearing paperwork agreement and design phase and privately funded. Construction would start at the end of the year.

Northeast/Southeast connector location study- the consultants identified potential alignments and a preferred alignment would be selected. Consultants are drafting a Phase A report and a meeting with stakeholders impacted in the area would be held.

Cerrillos reconstruction Phase 2 C- a public input meeting would be held Thursday

I-25/Cerrillos interchange project- consultants will draft Phase A/B report; public input is in mid December.

Commissioner Stefanics excused herself from the meeting at this time.

6. Update on the Pedestrian Master Plan (PPP)

Mr. Tibbetts there are three more meetings for public input on PPP; one is tomorrow night. Work is being done with Claudia Horn and the Design Office and graphics have been done. A pedestrian survey in English and Spanish is being done through Survey Monkey and is included in the packet. He said there has been good input and he expects the survey to be completed by late summer.

7. Update for Process for Roadway Functional Reclassification

Mr. Wilson said the reclassification has to be done by March first and the packet has a summary and a list of the meetings. A working group would be formed to develop recommendations that would be run through the TCC and then the Policy Board.

Councilor Trujillo left the meeting at this time.

Chair Chavez asked Mr. Tibbetts what items should be brought to the next meeting.

Mr. Tibbetts suggested the Multi-Use Trail Count Program. He said a presentation should be given of the Highway Safety Improvement Program.

8. Update on the Multi-Use Trail Count Program

Postponed until January.

D. MATTERS FROM MPO STAFF

Mr. Tibbetts said there is a process to hire additional staff and a new person should be on board by mid December.

E. MATTERS FROM THE SFMPO TRANSPORTATION POLICY BOARD

There were none.

F. COMMUNICATIONS FROM THE NMDOT AND FHWA

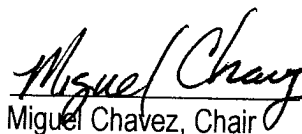
There were no questions for the representatives.

G. ADJOURNMENT and next meeting

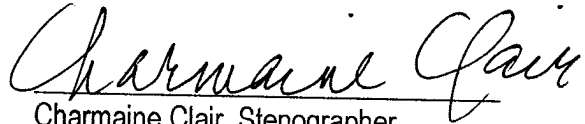
Chair Chavez said the next meeting is not February 27 but January 30, 2014 at 4:00 at Market Station.

The meeting was adjourned at 6:15 p.m.

Approved by:


Miguel Chavez, Chair

Submitted by:


Charmaine Clair, Stenographer