



May 28, 2021

The Honorable Pete Buttigieg  
U.S. Secretary of Transportation  
1200 New Jersey Ave, SE  
Washington, DC 20590

Dear Secretary Buttigieg,

The New Mexico Department of Transportation (NMDOT) has not yet certified Amtrak's Southwest Chief schedule, in accordance with the *Metrics and Minimum Standards for Intercity Passenger Rail Service* final rule, published on November 16, 2020. That rule added a new Part 273 to Title 49 of the Code of Federal Regulations establishing the procedures for certifying schedules. This letter provides the NMDOT position regarding the status of certifying the Southwest Chief schedule as required under section 273.5(c)(2)(iv) of Part 273.

The Southwest Chief operates one train daily in each direction between Chicago and Los Angeles, a distance of 2,265 miles according to Amtrak's published schedules. The NMDOT-owned railroad, New Mexico Rail Runner Express, which operates using the reporting mark NMRX, is the host railroad for 80 miles of the Southwest Chief route located near its midpoint. The Southwest Chief includes two station stops on NMRX, at Albuquerque and Lamy. The eastbound Southwest Chief has scheduled station arrivals at Albuquerque and Lamy at 11:20 AM and 1:02 PM, respectively. The westbound Southwest Chief has scheduled station arrivals at Lamy and Albuquerque at 1:58 PM and 3:29 PM, respectively. Amtrak's published schedules also incorporate recovery time and time to service the trains at Albuquerque.

The Southwest Chief shares 57 miles of its route on NMRX with New Mexico Rail Runner Express, the commuter railroad connecting the cities of Belen, Albuquerque, and Santa Fe. Late arrivals of the Southwest Chief on NMRX territory often result in conflicts between the Southwest Chief and Rail Runner evening peak service. These conflicts result either in lengthy delays for 1,000 Rail Runner commuters returning from work in the evening if the Southwest Chief is given priority, or to financial penalties for NMRX if the Southwest Chief is held until an operational window opens up.

On January 5, 2021, after receiving a written request from Amtrak to certify the Southwest Chief schedule in accordance with Part 237, NMDOT responded in writing that it would like to meet to discuss Amtrak's Southwest Chief schedule before providing such a letter. NMDOT did not receive a response to, or acknowledgement of, that request until May 14, 2021. This lack of response precluded having any discussions with Amtrak related to the certification of the Southwest Chief schedule in advance of the May 17, 2021 deadline for certification identified in Part 273. An initial meeting with Amtrak to discuss the process for certifying schedules did occur on May 24, 2021, and additional meetings are planned in the coming months to certify the schedule.

**Michelle Lujan  
Grisham**  
Governor

**Michael R. Sandoval**  
Cabinet Secretary

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The delayed response from Amtrak to NMDOT's request for discussions is the reason certification of the Southwest Chief schedule in advance of the May 17, 2021 deadline did not occur. Language in Part 273 stating that certifying Amtrak's schedule will preclude later decertification of the schedule is a reason for NMDOT to not certify the schedule until it has had a chance to have these discussions. Additionally, NMDOT understands that BNSF, which is the host railroad for all but about 100 miles of the Southwest Chief, has not only declined to certify the Southwest Chief schedule but is disputing the schedule under Part 273. Certifying the Southwest Chief schedule while the nature of the dispute between BNSF and Amtrak over the schedule is not known may not be in NMDOT's interest.

NMDOT does have concerns with the schedule and the Part 273 metrics that it desires to discuss with Amtrak before certification. Below, NMDOT lists several concerns with the Southwest Chief schedule that it would like to discuss with Amtrak. This list may be expanded on once certification discussions with Amtrak advance.

1. NMDOT has no control over whether trains arrive on-time at the two Southwest Chief stations on the NMDOT-owned railroad, which is a key factor in determining Customer OTP, the primary metric in the rulemaking. The Southwest Chief route is 2,265 miles long, with only 80 miles of it on NMDOT-owned track situated near the midpoint of the route.
2. The host running time metric may be of limited value in evaluating NMDOT's performance in hosting the Southwest Chief due to the inclusion in the schedule of recovery time and train servicing in Albuquerque. Trains that arrive late for their entry onto NMDOT track will perform better under this metric than trains that arrive in time, unless additional delays occur while the Southwest Chief is within NMRX territory.
3. Late arrivals of the Southwest Chief on NMRX territory, which are not the fault of NMRX, often directly conflict with scheduled Rail Runner evening commuter service. This conflict results either in delays for approximately 1,000 Rail Runner commuters returning from work, or in financial penalties for NMRX if the Southwest Chief is held until an operational window opens up.

Sincerely,

  
Justin Reese (May 28, 2021 15:31 MDT)

Michael Sandoval  
Cabinet Secretary

Cc:

The Honorable Martin Heinrich, U.S. Senate

The Honorable Ben Ray Lujan, U.S. Senate

The Honorable Yvette Herrell, Member of Congress

The Honorable Teresa Leger Fernandez, Member of Congress

William Flynn, Amtrak CEO

David Harris, NMDOT Transit and Rail Division Director

Bill Craven, NMDOT Rail Bureau Manager

# NMDOT Letter to USDOT on Schedule Certification of Southwest Chief 2021-05-28

Final Audit Report

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