

SIGNIFICANT ISSUES

NMDOT notes:

The Federal Railroad Administration (FRA) is the only entity that has statutory authority for railroad safety oversight. FRA, must make any decisions as to whether to delegate or assign any railroad safety oversight authority to third parties. For instance, FRA has entered into an agreement with PRC under which it funds two PRC positions to act in FRA's stead to ensure compliance with certain FRA safety regulations within New Mexico. This agreement, however, does not empower PRC to ensure compliance with every FRA safety regulation.

As currently written, SM 15 does not include a role for New Mexico's railroads in developing the requested report. Railroads are responsible for compliance with all railroad safety regulations, including violations by unionized railroad employees. New Mexico's railroads would be directly affected by any changes in railroad safety oversight, and in many cases have entered into collective bargaining agreements with the unions named in SM 15. Railroads would understandably be concerned with proposals for increased safety oversight, developed without their formal participation, which would provide union employees with oversight authority not specified in their collective bargaining agreements.

CJ/al