North Central Regional Transit District (NCRTD)
Resolution No. 2020-13

A RESOLUTION PROVIDING FOR EMERGENCY AUTHORITY TO MAKE
CHANGES TO DISTRICT SERVICES AND FARES

WHEREAS, the NCRTD was created through legislative enactment (NMSA 1978, Sections 73-25-1 through 73-25-19); and

WHEREAS, the NCRTD is a subdivision of the State of New Mexico with all the authority and duties of the same; and

WHEREAS, it is lawful for the NCRTD to charge fares for transit services (NMSA 1978, Section 73-25-6 (A) (4)); and

WHEREAS, the NCRTD pursuant to NMSA 1978, Section 73-25-5 the Board has the authority to impose fares, issue bonds and make system-wide changes to services; and

WHEREAS, pursuant to NMSA 1978, Section 73-25-5 "significant" changes to services for purposes of state law are defined as "route or schedule changes affecting more than twenty-five percent of a regional transit system"; and

WHEREAS, the NCRTD Board has the non-delegable authority to establish all policies regarding fees, tolls, rates or charges. (NMSA 1978, Section 73-25-5 (A) (4)); and

WHEREAS, the NCRTD is the recipient of certain federal funds provided for under 49 U.S.C. 5307; and

WHEREAS, the federal government requires Section 5307 grant recipients to adopt "a locally developed process to solicit and consider public comment before raising a fare or carrying out a major reduction of transportation"; and,

WHEREAS, pursuant to NMSA 1978, Section 73-25-14 there are notice and comment requirements prior to making major service changes; and

WHEREAS, in order to implement these various requirements the Board has previously adopted Resolution 2019-07 regarding the manner in which the District meets these legal requirements prior to changing service levels; and

WHEREAS, due to the current state of emergency and the response to the Covid-19 Pandemic there has been a sharp reduction in ridership and the District finds that Significant and Major Service Changes (as set forth in Resolution 2019-07) may be warranted ; and
WHEREAS, the exigent need for the District to adjust service levels in response to public health directives constitutes a "Disaster or Emergency Operation" within the meaning of Resolution 2019-07; and

WHEREAS, the District staff seeks Board approval to exercise the emergency authority provisions of Resolution 2019-07 in order to address the rapidly evolving responses to the current public health crisis posed by the pandemic.

NOW THEREFORE BE IT RESOLVED THAT, the North Central Regional Transit District Board of Directors hereby declares the current public health crisis to constitute an emergency warranting Significant and Major Changes to Service under the Board's "Policy Regarding Public Participation on Proposed Changes to District Services and Fares" and further declares that the staff are authorized to adjust service and service levels as needed during the crisis without first soliciting the public participation normally required for such changes.

PASSED APPROVED AND ADOPTED THIS 3rd DAY OF APRIL 2020 by the Board of Directors for the North Central Regional Transit District.

[Signature]
Daniel Barrone, Chair

Approved as to form:

[Signature]
Peter Dwyer, Counsel