

April 7, 2006 Santa Fe Railyard Ceremonial Groundbreaking

BY FACSIMILE AND FIRST-CLASS MAIL

Governor Bill Richardson
C/O Eric Witt
State Capitol – Fourth Floor
Santa Fe, NM 87503

Re: Santa Fe Railyard Ceremonial Groundbreaking

Dear Governor Richardson:

This responds to your request for our office's legal opinion regarding the scheduled groundbreaking ceremony for the Santa Fe Railyard on Friday, April 7, 2006. We understand you intend to travel on one of the newly acquired RailRunner cars for approximately 1,000 yards to make a ceremonial appearance by train and begin the groundbreaking event. We have been asked whether this is a violation of Article XX, Section 14 of the New Mexico Constitution. Our conclusion is that such a short ceremonial ride for this groundbreaking event should not be reasonably interpreted to be a violation of our state constitution.

While the purpose of Article XX, Section 14 is to guard against any favoritism being granted by railroads for free travel to the Governor and other specified public officials, that purpose is not served by straining a construction of the provision to extend to this brief ceremonial ride for a groundbreaking ceremony. Furthermore, the provision applies only to rail travel that is given on "terms not open to the general public." Be here, even if this brief free ceremonial trip is interpreted to be governed by the section, the fact is that the general public is also being reported as being eligible for free travel for the first ninety days of the rail service operation. So the Governor would not be getting any special treatment here at all.

Furthermore, it may be argued that this groundbreaking ceremony does not even involve rail travel by a "railroad" as that term is used in the constitution. The RailRunner car is not yet part of an operating railroad, so it is not at all clear that even in a technical sense the provision applies to these circumstances.

Suffice it to say that we believe the constitution should be reasonably interpreted so that the facts of this brief ceremonial trip for the groundbreaking do not give rise to any reasonable conclusion that the law would be violated.

Sincerely,

Stuart M. Bluestone
Chief Deputy Attorney General