

# BNSF certifies Gallup Energy Logisitics Park site

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SANTA FE — Gallup Energy Logistics Park completed Phase 1 of construction and a portion of the development has been designated as a certified site, which means Gallup Land Partners is ready to bring in new industries to the area, state Rep. Patty Lundstrom, D-Gallup, announced Thursday.

Lundstrom and Gallup Land Partners officials gathered with Gov. Susana Martinez at the New Mexico Roundhouse for an announcement on the progress of the park.

“This is certainly a special day for me, not only because it is Gallup McKinley County Day here at the Legislature, but also to recognize one of the most important economic initiatives in my area in the last 40 years,” Lundstrom said.

The Gallup Energy Logistics Park, a 2,500-acre development located 5 miles northwest of Gallup, includes 11,000 feet of railway that connects to the Burlington Northern Santa Fe Railroad main line, the Southern TransCon, one of BNSF’s busiest and most important transcontinental rail lines. The park just completed Phase 1 of construction, which includes the railway and site improvements to prepare for possible tenants.

BNSF recently named a 365-acre parcel of the park as a certified site, one of just 10 other such certified sites in the country, two of which are in New Mexico. The other site in the state is Central



Courtesy photo

The Gallup Energy Logistics Park, a 2,500-acre development located 5 miles northwest of Gallup, includes 11,000 feet of railway that connects to the Burlington Northern Santa Fe Railroad main line.

New Mexico Rail Park in Los Lunas.

The BNSF Certified Site seal means that the site has gone through a certification process that evaluates existing and planned utilities, environmental and geotechnical standards, and site avail-

ability. Certified sites offer faster acquisition and development for interested tenants.

Jacob Bracken, with developer Gallup Land Partners, said they have been in talks with possible tenants from the oil and gas, transportation,

storage, and manufacturing industries.

“Even with the interested tenants, it is going to be a long time before we run out of space,” Bracken told the crowd gathered in the Rotunda.

Ean Johnson, BNSF regional manager, said the main point of the certification is to have sites that are shovel-ready for customers looking to move in.

Martinez applauded Gallup for its efforts to diversify the local economy after the crash of the oil and gas industry statewide. She congratulated the use of \$70 million in state funds for the improvement of U.S. Highway 491, which will improve access to the Gallup Energy Logistics Park as well as the rest of northwest New Mexico, and \$5 million in funds from Gallup Land Partners to fund the first phase of the park.

Robert Roche, founder of Roche Enterprises LTD, which operates Gallup Land Partners, said the completion of the first phase and certification by BNSF has been a long road for him personally, but he believes Gallup has enormous economic opportunity.

“Gallup is going to be the center, I think, of economic development in the state of New Mexico, and we have to do it together,” Roche said.

Roche Enterprises has made investments of more than \$40 million in New Mexico over the past five years. Fifty-three jobs were created during Phase 1 construction of the Gallup Energy Logistics Park — with an additional three infrastructure jobs that have already been filled — and five to 10 additional jobs to come with initial customers.

# Gallup resident joins lawsuit against labor agency

By Justin Higginbottom  
For the Independent

GALLUP — A class-action lawsuit filed in January by four workers, including one from Gallup, and New Mexico workers’ rights groups alleges the Department of Workforce Solutions failed to follow state law when investigating wage theft.

The lawsuit alleges Workforce Solutions polices, including a \$10,000 cap and one-year statute of limitations on investigating wage claims, violate New Mexico labor laws.

Gallup resident Jose Olivas said he worked at a Farmington restaurant full-time, sometimes more than 80 hours a week, for more than a year while his employer paid him only portions of his paycheck. He left in February 2016 with \$15,000 in back wages he said are still owed to him and filed a complaint with Workforce Solutions.

But Workforce Solutions reportedly refused to investigate his claim because it was more than \$10,000 and suggested he sue the employer himself. Olivas said he couldn’t afford the \$5,000 in legal fees. Now he is suing Workforce Solutions.

“Not being paid the money I was owed hurt my whole family financially — my wife, children and grandchildren — and we still haven’t recovered,” Olivas said. “Promises don’t put food on the table.”

Joy Forehand, deputy cabinet secretary with Workforce Solutions, said, “We are reviewing the lawsuit and take all allegations seriously — even if they are coming from a politically motivated group.

“When (a wage claim) exceeds \$10,000, we refer them to district court because we believe this needs to be taken to the next level, given the severity of the problem,” Forehand said. Elizabeth Wagoner, supervising attorney

with the New Mexico Center on Law and Poverty and lead council in the lawsuit, said: “A strong law is only as good as the enforcement framework behind it. Our state Legislature has done its job to fight wage theft by passing one the strongest anti-wage theft bills in the country. But the political appointees at DWS have failed working people by carving out enforcement exceptions and loopholes that allow employers who steal wages to get away with paying far less than the law requires.”

New Mexico law requires workers be paid all owed wages plus interest and a sum for damages twice the amount of those unpaid wages.

The labor law also specifies a three-year statute of limitation for wage investigations, which Workforce Solutions said was only one year.

Workforce Fairness, a website that analyzes state labor laws, said there is no deadline for filing wage claims with the Labor and Industrial

Division, but once it gets to court, deadlines are imposed based on the type of claim.

“This is set in law,” Forehand said. “And we’ve always believed it needs to be changed. In fact, we have called upon lawmakers in the past to change the statute to three years.”

According to Somos Un Pueblo Unido, one of the workers’ rights groups included in the lawsuit, around 22 percent of immigrants in the state have experience wage theft and 2,500 New Mexicans were able to file claims with the Workforce Solutions from 2014 to 2016.

Gabriela Ibanez Guzman, a lawyer with Somos Un Pueblo Unido, said there is no way to know how many workers have not had their claims investigated by Workforce Solutions.

Since leaving Farmington, Olivas has sold a car, asked for loans and rented his house in Gallup, he said, starting all over again.

“We just don’t want this to happen to someone else,” Olivas said.

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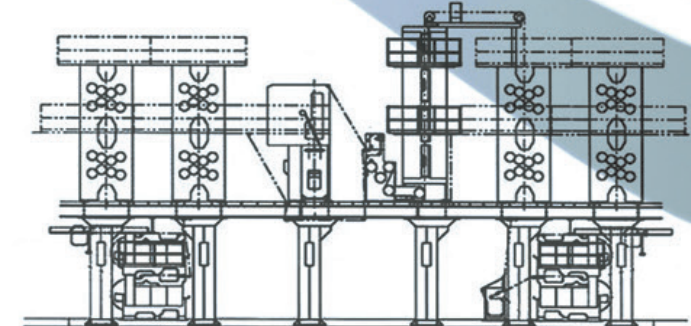
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