



**SOUTHWEST CHIEF & FRONT RANGE  
PASSENGER RAIL COMMISSION**

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***SOUTHWEST CHIEF AND FRONT RANGE  
PASSENGER RAIL COMMISSION CHARTER***

*Version <1.2.7>*

*March 25 2019*

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## VERSION HISTORY

Version #	Implemented By	Revision Date	Approved By	Approval Date	Reason
1.0	Jim Souby	8/23/2017			First draft
1.1	Pete Rickershauser	8/25/17			Comments
1.2	Souby	10/1/2017			Second draft
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1.2.2	Souby	10/23/2017			Review draft
1.2.3	Terry Hart	10/31/17			Corrections
1.2.4	Rickershauser	11/18/17			Corrections
1.2.5	Souby	11/30/2017		11/30/2017	Final draft
1.2.6	Souby	1/1/2018			CDOT Rep change
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# 1 INTRODUCTION

## 1.1 Purpose of Program Charter

The Southwest Chief & Front Range Passenger Rail Commission (Commission) Charter documents the information and procedures necessary for the Commissioners and Colorado Department of Transportation (CDOT) support personnel to carry out the legislatively directed mission set forth in Senate Bill 17-153. The intended audience includes the Commissioners and CDOT support personnel. The Charter is a public document.

## 1.2 Project and Program Overview

The Commission is charged with two mission elements:

- Continuation of the existing efforts to improve and expand Amtrak's Southwest Chief route in Colorado, including upgrades to rail on the existing route and extending service to Pueblo and assessing possible service to Walsenburg; and,
- Facilitating the development of Front Range passenger rail in the I-25 corridor

Eleven voting members and three non-voting members comprise the Commission. CDOT supporting personnel include staff of the Division of Transit and Rail. The Commissioners represent Front Range Councils of Governments/Metropolitan Planning Organizations, national freight and passenger railroad companies operating in the corridors (BNSF Railway, Union Pacific Railroad and Amtrak), a person representing Huerfano, Otero, Prowers and Las Animas Counties, CDOT, Denver Regional Transportation District (RTD), two advocates for passenger rail in Colorado, and Wyoming. Representation is expected to change over time. Of the eleven voting members, six Commissioners are appointed by the regional planning organizations they represent and five are appointed to terms by the Governor. The three non-voting member are CDOPT, Amtrak, and Wyoming. See Appendix C for the current members of the Commission

The Commission's Project Director provides executive leadership for the promotion, planning direction and implementation of the Commission's mission both in regard to the Southwest Chief and Front Range Passenger Rail. The Project Director manages Passenger Rail Commission activities and operations and oversees the work of Commission consultants. The Project Director also interacts regularly with CDOT's Executive Director, the Director of the Division of Transit and Rail and the numerous stakeholders interested in the Commission's mission. The Project Director, while being a CDOT employee, reports directly to the Commission through February 2021.

The Commission legislation has no statutory sunset date which exemplifies the long-range nature of the Commission's mission. In addition to the roll over funding from the prior Southwest Chief Commission, the Commission received \$2.5 million from the 2018 State Legislature. The Commission has the authority to raise and expend funds from any legal source to carry out its mission.

## 2 Scope

### 2.1 Objectives

2.1.a The objectives of the Commission for the long-term viable operation of the Southwest Chief include:

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- Continuing the mission of the Southwest Chief Rail Line Economic Development, Rural Tourism, and Infrastructure Repair and Maintenance Commission to coordinate and oversee efforts by the State and local governments and cooperate with the states of Kansas and New Mexico, Amtrak and the BNSF Railway to ensure that the track repairs and upgrades required for the continuation of the existing Southwest Chief rail service in Colorado are completed,
- That such service is extended to Pueblo, and
- That the benefits of extending such service to Walsenburg are fully explored.

#### 2.1.b The objectives of the Commission for Front Range Passenger Rail include:

- To facilitate the future of Front Range Passenger Rail and, in doing so, to specifically develop draft legislation to facilitate the development of a Front Range passenger rail system that provides passenger rail service in and along the Interstate 25 corridor and that is a component of a well-integrated, modern, efficient, and cost-effective multimodal transportation system
- Determine need and prerequisites for Front Range passenger rail and create a plan and timeline for their achievement
- Develop a conceptualized governance and operating plan
  - Determine suitable right of way and appropriate stations for the system
  - Determine suitable initial service and equipment requirements
  - Determine suitable governance structure and district boundaries
  - Determine suitable funding and financing options
- Draft and submit proposed interim legislation by December 1, 2017
- Obtain support from the public and from concerned local, state and federal agencies
- Develop a longer-range service concept
- Obtain a federally approved Tier 1 EIS for the Fort Collins to Pueblo segment
- Obtain a federally approved service development plan
- Obtain legislation to create the actual Front Range rail governance entity (note: this objective could be undertaken earlier or later, after a timeline for the objectives has been set)
- Position the future Front Range rail governance entity as qualified and favorably supported for local, state and federal funding

## 2.2 High-Level Requirements

The following list presents the requirements that the Commission must meet in order for the project objectives to be satisfied.

- Southwest Chief

### ***Southwest Chief and Front Range Passenger Rail Commission Charter***

- In conjunction with other stakeholders, complete required track repairs and other upgrades to ensure continuation of Southwest Chief rail service in Colorado;
- Extend Southwest Chief rail service to Pueblo; and –
- Fully explore the benefits of extending Southwest Chief rail service to Walsenburg.
- Front Range Passenger Rail System in and along the I-25 Corridor
  - Develop and present draft legislation by December 1, 2017 to facilitate development of a Front Range passenger rail system. Elements of developing legislation to facilitate development of a Front Range passenger rail system include, but are not limited to:
    - Publicly supported plan for Front Range passenger rail
    - Federal, State, Local and private funds to support objectives
    - Federally accepted Tier I EIS for the Front Range segment
    - Federal Railway Administration (FRA) accepted funding application(s)
    - Federally accepted Service Development Plan for Front Range passenger rail
  - Take additional steps necessary to lead to implementation of Front Range Passenger Rail

## **2.3 Boundaries**

The geographic jurisdiction of the Commission was not defined in the legislation establishing the Commission beyond the present and proposed Amtrak Southwest Chief route and I-25 Corridor and Front Range communities named in the legislation.

The Commission will need to determine if any specific boundaries related to developing and managing future passenger rail service in the Front Range and the Southwest Chief route are necessary. If so, the Commission will have to propose that a special district be created.

## **3 Duration**

The Commission has no specific legislative deadline beyond the requirement for preparation and submission of Front Range passenger rail draft legislation by December 1, 2017. Because public and private rail transportation projects are of long duration, it is expected the commission will remain active for the foreseeable future.

## 4 Program Organization

### 4.1 Governance Philosophy

At the first meeting of the Commission, it was agreed that the deliberations of the Commission shall be conducted by consensus whenever possible. In this regard, the governance philosophy of the Commission will be one of trust, goodwill and civic mindedness between Commissioners and with stakeholders. Only when a disagreement arises, when an amendment to this charter is proposed, when a financial matter is decided or when the chair deems a formal record of a decision should be made shall a voice or roll call vote be taken. Any Commissioner may call for a voice or roll call vote.

Deliberations of the Commission shall be conducted in compliance with the State of Colorado Sunshine and Ethics in Government requirements. Meetings shall be open to the public and public comments shall be accepted.

The Commission shall annually hold an election to elect a Chair and Vice-Chair.

### 4.2 Roles and responsibilities

Name	Organization	Project Role	Notes
Salvatore Pace	Pueblo County Commission	Public Rail Transportation Advocate	Appointment expires 7/1/2019
Sara Rae Thompson Cassidy	Union Pacific Railroad	Colorado Class I Freight Railroad Representative	Appointment expires 7/1/2019
Jill Gaebler	Colorado Springs City Council	Pikes Peak Area Council of Governments Representative	
Terry Hart	Pueblo County Commission	Pueblo Area Council of Governments	
Becky Karasko	North Front Range Metropolitan Planning Organization (NFRMPO)	NFRMPO Representative	

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Name	Organization	Project Role	Notes
Richard Guy Klein	City of La Junta	Resident of Huerfano, Las Animas, Otero, Prowers or Pueblo counties	Appointment expires 7/1/2020
Peter James Rickershauser	BNSF Railway	Class I freight railroads that serve Colorado	Appointment expires 7/1/2020
Phil Rico	City of Trinidad	South Central Council of Governments	
Jacob Riger	Denver Regional Council of Governments (DRCOG)	DRCOG Representative	
James Martin Souby	Colorado Rail Passenger Association (ColoRail)	Public Rail Transportation Advocate	Appointment expires 7/1/2020
Bill Van Meter	Denver Regional Transportation District (RTD)	RTD Representative	
David Krutsinger	CDOT Division of Transit and Rail	CDOT	Non-voting
Ray Lang	Amtrak	Amtrak	Non-voting

### 4.3 Electronic Communications

The Commission may rely on electronic communications to conduct its deliberations between meetings. In this regard, the Chair may seek decisions by email votes of the Commissioners. While not preferred, participation in meetings of the Commission by telephone will be available to Commissioners who cannot attend meetings in person.

### 4.4 Amendments to the Charter

Amendments to the Charter may be proposed by any Commissioner at a regularly scheduled meeting. Amendments must be adopted by a majority of the Commissioners (6 or more voting members).

## 4.5 Stakeholders (Internal and External)

Communications with civic leaders and the general public will be important to the success of the Commission. In that regard, meetings of the Commission will be open to the public and public comments will be accepted. An ongoing outreach effort to stakeholders will be undertaken including the following:

- Internal Stakeholders
  - Local Government Organizations/representatives named in the legislation or appointed by the Governor
  - Freight Rail Companies named (UP, BNSF)
  - Amtrak
  - State government organizations named in legislation (CDOT)
  - Advocates appointed by the Governor
- External Stakeholders
  - Concerned local governments and civic organizations
  - Rail advocates
  - Tourism organizations
  - Colorado economic development organizations
  - The business community
  - Action 22 and Pro 15
  - Military installations
  - Universities and Colleges
  - Media
  - Concerned and impacted short line freight railroads

## 5 Charter approval

The undersigned acknowledge they have reviewed the project charter for the Southwest Chief & Front Range Passenger Rail Commission. Changes to this program/project charter will be coordinated with and approved by the undersigned or their designated representatives.

Signature			Signature		
Print Name		Date	Print Name		Date
Signature			Signature		
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Signature			Signature		
Print Name		Date	Print Name		Date
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## APPENDIX A: REFERENCES

### State Guidance and Resources:

*Ethics Handbook*, 3<sup>rd</sup> ed., 2016, Colorado Independent Ethics Commission

(This reference was provided to each commissioner upon appointment)

*Sunshine Laws, Guide to Colorado's Open Meetings & Open Records Law*, Colorado Freedom of Information Coalition, et.al. Revised, May 2015

(This reference was provided to each commissioner upon appointment)

Advanced Guideway System Feasibility Study (AGS) (I-70 Mountain Corridor, DIA to Eagle County Airport) (2012-2014)

General: <https://www.codot.gov/projects/AGSstudy>

Final Report: <https://www.codot.gov/projects/AGSstudy/final-ags-feasibility-study>

Interregional Connectivity Study (ICS) (I-25 Front Range Corridor, Fort Collins to Pueblo) (2012-2014 and 2016-2017)

General: <https://www.codot.gov/projects/ICS>

Final Report: <https://www.codot.gov/projects/ICS/ics-draft-report-january-2014>

(It says draft because there is one final piece of work just about to be posted for the 2016-2017 work)

North I-25 EIS Commuter Rail Update:

General: <https://www.codot.gov/projects/north-i-25-eis/north-i25-commuter-rail-update>

Final Report: <https://www.codot.gov/projects/north-i-25-eis/north-i25-commuter-rail-update/north-i-25-commuter-rail-update-final-report>

State Freight & Passenger Rail Plan (2012 and 2017 when issued)

General: <https://www.codot.gov/projects/PassengerFreightRailPlan>

Final Report: <https://www.codot.gov/projects/PassengerFreightRailPlan/SPRP-Final>

Rocky Mountain Rail Authority (RMRA) (Precursor Study to ICS) (2007-2010)

General: <http://rockymountainrail.org/>

Final Report: [http://rockymountainrail.org/RMRA\\_Final\\_Report.html](http://rockymountainrail.org/RMRA_Final_Report.html)

State of Ohio Commuter Rail Checklist

<https://www.dot.state.oh.us/Divisions/Rail/Programs/StatewideRailPlan/Documents/Appendix%20B%20-%20Commuter%20Rail%20Checklist.pdf>

Rail Governance Study, CDOT 2008: www:

### **Federal Guidance and Resources:**

FRA Railroad Corridor Transportation Plans, a Guidance Manual,

<https://www.fra.dot.gov/eLib/Details/L04161>

Note: The National Environmental Policy Act (42 U.S.C. 4321-4347) is the "mother" of all the subsequent links and how NEPA is carried out by the FHWA, FRA, FTA under the USDOT.

Tiered EIS legal structure. Although this is a bit more FHWA centric, it is a decent explanation of the structure for any "tiered" EIS

[http://onlinepubs.trb.org/onlinepubs/nchrp/docs/NCHRP25-25\(38\)\\_FR.pdf](http://onlinepubs.trb.org/onlinepubs/nchrp/docs/NCHRP25-25(38)_FR.pdf)

FRA Final Rule...This is more complex language, but is FRA specific.

<https://www.fra.dot.gov/eLib/details/L02561>

Further examples of actual EIS's under FRA jurisdiction

<https://www.fra.dot.gov/Page/P0720> Tuscon-Phoneix Tier 1 EIS

<https://www.fra.dot.gov/Page/P0624> Minneapolis-Duluth EA-EIS process

<https://www.fra.dot.gov/Page/P0657> Atlanta-Charlotte Tier 1 EIS

FTA Environmental Review Process...depending on what is proposed to be built, this might be the agency with jurisdiction

<https://www.fra.dot.gov/eLib/details/L02561>

### **Front Range Regional Transportation Plans:**

Metro Vision (regional vision plan):

[https://drcog.org/sites/drcog/files/resources/Metro\\_Vision\\_Jan\\_18\\_2017\\_FINAL.pdf](https://drcog.org/sites/drcog/files/resources/Metro_Vision_Jan_18_2017_FINAL.pdf)

2040 Metro Vision Regional Transportation Plan (fed-required financially constrained long range transportation plan): <https://drcog.org/sites/drcog/files/resources/FINAL%20-%202040%20MVRTP%20w%20APPENDICES%20-%20April%202017.pdf>

2018-2021 Transportation Improvement Program (fed-required listing of funded projects, like a city's capital improvement program): <https://drcog.org/sites/drcog/files/resources/2018-2021%20Transportation%20Improvement%20Program%20-%20Adopted%20April%202017.pdf>

NFRMPO 2040 RTP: <http://nfrmpo.org/rtp/>

NFRMPO 2040 RTE: <http://nfrmpo.org/transit/rte/>

RTD Northwest Area Mobility Study (NAMS) (2013-2014)

General: [http://www.rtd-fastracks.com/nams\\_1](http://www.rtd-fastracks.com/nams_1)

Final Report:

<https://www.dropbox.com/s/1uj1mt3z1h80ya4/Final%20Report%20508%5B1%5D.pdf?dl=0>

RTD North Metro or N Line (2006-2011)

General: [http://www.rtd-fastracks.com/nm\\_2](http://www.rtd-fastracks.com/nm_2)

EIS Documents: [http://www.rtd-fastracks.com/nm\\_116](http://www.rtd-fastracks.com/nm_116)

Construction Information (2011-present): [http://www.rtd-fastracks.com/nm\\_267](http://www.rtd-fastracks.com/nm_267)

RTD 2015-2020 Strategic Plan".

<https://www.rtd-denver.com/documents/2015-2020-strategic-plan.pdf>

PPACG's 2040 Long Range Transportation Plan.

<http://www.ppacg.org/file/2017/08/Combined-Chapters.pdf>

**Private Guidance and Resources:**

BNSF Railway Commuter /Passenger Principles. Handout

## APPENDIX B: KEY TERMS

The following table provides definitions for terms relevant to this document.

Term	Definition
TIGER	<i>Transportation Infrastructure Generating Economic Recovery</i> Grant program administered by US DOT
Environmental Impact Statement (EIS) reviews	Unless excluded by the concerned federal agency, an Environmental Assessment or EIS is required in order to identify and provide mitigation strategies for a wide array of potential environmental impacts that exceed federal standards or may harm federal protection and recovery programs (e.g. endangered species). See Appendix A references.
Service Development Plan	The Service Development Plan is required by the Federal Railroad Administration before federal funding applications will be considered. The Plan presents and justifies the need for the proposed rail service. The specific requirements are contained in <i>FRA Railroad Corridor Transportation Plans, A Guidance Manual</i> . See Appendix A references.

### From SB 17-153

(a) "COMMISSION" MEANS THE SOUTHWEST CHIEF AND FRONT RANGE PASSENGER RAIL COMMISSION CREATED IN SUBSECTION **(2)(a)** OF THIS SECTION.

(b) "FRONT RANGE PASSENGER RAIL SYSTEM" MEANS A RAIL SYSTEM THAT TRANSPORTS PASSENGERS ALONG THE FRONT RANGE AND THAT MAY INCLUDE STOPS AT THE CITIES OF FORT COLLINS, LOVELAND, LONGMONT, BOULDER, DENVER, CASTLE ROCK, COLORADO SPRINGS, AND PUEBLO, AND INCLUDES ANY APPURTENANT EQUIPMENT, BUILDINGS, OR FACILITIES.

(c) "FUND" MEANS THE SOUTHWEST CHIEF RAIL LINE ECONOMIC DEVELOPMENT, RURAL TOURISM, AND INFRASTRUCTURE REPAIR AND MAINTENANCE FUND CREATED IN SECTION **43-4-1002**.