

SW Chief and Front Range Passenger Rail Commission

Meeting Notes

Friday, July 12, 2019

8:30 – 11:30 a.m.

CDOT 2829 West Howard Place, Denver CO 80204

South Platte River Trail (Conference Room #231)

Call in 1-877-820-7831 passcode 418377#

COMMISSION MEMBERS IN ATTENDANCE:

Member Name	Member Role	Organization	Attendance
Sara Cassidy	Class 1 Railroad Representative	Union Pacific	Phone
Jill Gaebler	Pikes Peak Area Council of Governments	City of Colorado Springs	Yes
Terry Hart	Pueblo Area Council of Governments	Pueblo County	No
Becky Karasko	North Front Range Metropolitan Planning Organization	NFRMPO	Yes
Rick Klein	Resident of Huerfano, Las Animas, Otero, or Pueblo Counties	City of La Junta	Phone
Sal Pace	Passenger Rail Advocate	Resident of Pueblo	Yes
Pete Rickershauser	Class 1 Railroad Representative	BNSF Railway	Yes
Phil Rico	South Central Council of Governments	Trinidad Mayor	Yes
Jacob Riger	Denver Regional Council of Governments	DRCOG	Yes
Jim Souby	Passenger Rail Advocate	ColoRail	No
Bill Van Meter	Regional Transportation District	RTD	Yes
David Krutsinger*	Colorado Department of Transportation	CDOT	Yes
Robert Eaton*	Amtrak	Amtrak	No
Dale Steenbergen*	Cheyenne, Wyoming	Chamber of Commerce	No

On Phone: John Liosato (PPACG), Drew Brooks (Ft. Collins), David Harris (New Mexico DOT)

Others: Randy Grauberger (SW Chief and Front Range Passenger Rail Project Director), Sophie Shulman (CDOT Chief of Innovative Mobility), Matt Blake (Ames Construction), Joe Pimentel (Labors International Union of North America), Eddie Bustamante (LiUNA), Mandy Whorton (Peak Consulting), Jonathan Bartsch (CDR Associates), Dan Kline (Wyoming DOT), Wendy Wallach (HDR), Alex Funderburg (self/ColoRail), Luke Sponable (public), Dan Bilka (self/ColoRail), Kathryn Wenger (PPACG),

Dave Ruble (DB Enterprise), Ann Benham (public), Meghan Boydston (HDR), Carla Perez (HDR), Debbie Wagner (self/City of Trinidad), Spencer Dodge (SW Chief and Front Range Passenger Rail Commission Liaison), Jeff Dawson (CDOT), Andy Karsian (CDOT).

A. Call to Order and Introductions – Jill Gaebler

The meeting was called to order at 8:36 am and those in the room and on the phone introduced themselves. Jill Gaebler asked how members of the public heard about the meeting. Ann Benham stated that she found out through Jim Souby and she was interested because her father is a rail advocate. Alex Funderburg, David Bilka and Luke Sponable also heard about the meeting from Jim Souby. Jill Gaebler explained that after the regular meeting, there would be a Purpose and Need Workshop from 10:30-11:30 AM, and the public is welcome for both parts of the meeting.

B. Review/Approval of June 14 Draft Meeting Minutes

Jill Gaebler asked if there were any questions or concerns regarding the June 14 Draft Meeting Minutes. There were no questions or concerns, and the motion to accept the meeting minutes passed unanimously.

C. Public Comment Period - Public

Ann Benham brought up the topic of public advocacy and outreach, posing a question on how to raise awareness of the Commission meetings and asked what the public can do to support the Commission's activities. Ann attended this Commission meeting to learn and discuss these topics. Jill Gaebler responded that Public Involvement and Stakeholder Engagement will be discussed during the Communications portion of the meeting and the Commission recognizes it to be a very important topic. Jacob Riger stated that as the Commission undertakes the planning process, there would be a large public involvement and stakeholder engagement effort. Ann Benham requested information on how the public can support this process further when it becomes available.

D. Project Director's Report – Randy Grauberger

Randy Grauberger provided an overview of his activities between June 15th and July 12th since the Commission's last meeting on June 14th,

Key activities:

- The Consultant Selection Panel reviewed three proposals from consultants for the Front Range Passenger Rail Study; CDOT received three proposals and -
 - The team led by HDR was selected.
 - CDOT and HDR are now in the process of finalizing paperwork, negotiating fees, and finalizing the Scope of Work.
- CDOT staff interviewed candidates for the Southwest Chief and Front Range Passenger Rail Commission Liaison.
 - Spencer Dodge was selected for the position and will begin working with Randy Grauberger, the Commission, and the consultant team on July 15th.
- Randy Grauberger had several discussions with the BUILD grant team in connection with the impending (July 15) grant application deadline to continue Southwest Chief route rehabilitation work. Rick Klein will give an update on the BUILD grant later in the meeting.
- Randy and Rebecca White (CDOT Director of Transportation Development) met with the City of Pueblo Mayor Nick Gradisar about the statewide planning process.
 - Mayor Gradisar was very interested in discussing the Front Range Passenger Rail. The Mayor is excited for the next Commission meeting on August 9th to be held in Pueblo.

- There may be a tour at the Transportation Technology Center, Inc. (TTCI) in Pueblo in conjunction with the Commission meeting.
- Randy was invited to Trinidad to make a presentation to their Chamber of Commerce.
 - Randy encouraged the other commissioners to host similar presentations.
- Randy attended the American Public Transportation Association (APTA) Rail Conference in Toronto and will provide a trip report for the commissioners in the coming weeks.
- Randy had a very good meeting with the Public Utilities Commission (PUC) and Pam Fishhaber. She wants Randy to present a quarterly briefing moving forward.
- Randy gave a presentation to Douglas County staff and is scheduled to go to more county forums in the DRCOG area in July and August.
- Randy and Becky Karasko were on a panel in Ft. Collins for the City Futures committee and had a very good dialogue and discussion. A representative from Skytran was also a panelist.

Phil Rico thanked Randy for coming to Trinidad. Phil received positive feedback about the presentation and a letter of thanks was printed in the newspaper. Randy asked Phil to forward the newspaper article, so that CDOT staff can put the article on the project website along with other articles regarding Amtrak and Front Range Rail.

Pete Rickershauser asked if the upcoming forums will be open to the public and publicized. Jacob Riger stated that four agencies including CDOT, RTD, the Front Range Passenger Rail Commission, and DRCOG are having joint conversations at these collaborative forums; they are open to the public but geared towards stakeholders. Ann Benham asked if the meetings will be on the website; they will be listed on the website yourtransportationplan.com.

E. Legislative Update – Andy Karsian (CDOT Legislative Liaison)

Possible fall meetings with Transportation Legislation Review Committee (TLRC)

The CDOT legislative agenda was submitted to the Governor's Office in draft form with a variety of placeholders. Placeholders include recommendations that will develop from the study on emerging technologies and the Rail District ballot question. The Governor and state legislature have yet to provide feedback. There is an opportunity to visit with the Legislature's Transportation Legislation Review Committee (TLRC) in order to discuss the Front Range Passenger Rail. Key topics will include educating new committee members on the benefits of passenger rail, and gaining further guidance on the Commission's directions for legislation. This meeting is intended to provide the TLRC with ideas from the Commission, rather than have the TLRC come up with new ideas. The meeting with the TLRC could be in late September but will likely occur in October, but a date has not been confirmed. Randy Grauberger asked if there would be an opportunity for a presentation. Andy responded that he hopes there will be an opportunity to present, but the meeting format has not been finalized. Jacob Riger asked if this is CDOT-proposed legislation. Andy replied yes, all state departments provide a proposed legislative agenda to the Governor and he decides what state departments will ultimately submit to the legislature. After that decision, CDOT will have another chance to review their submittal and a final decision will be made in November. Jacob Riger asked to clarify that a packet has been submitted but no feedback has been given. Andy stated that is correct and that CDOT will receive the initial feedback in September or October.

Rail District Structure Options - David Krutsinger

David Krutsinger explained that there is a range of Rail District Structure options. When a district is created, the powers of the district are defined first. Powers can include policing, taxation, eminent domain and others. The second step is to define the duties and responsibilities of the district, as well as the geographical boundaries.

The four options for creating a Rail District include:

1. Create a Rail District, define the district powers, and initiate taxing powers with no additional funding – this is the simplest option and the state legislature can do this without a ballot vote.
2. Create a Rail District with additional legislative funding and continue to do commission work until ballot measures are voted upon.
3. Create a Rail District through legislative action. The state legislature then assigns money (PACE).
4. Include the creation of the Rail District in a ballot measure.

*Another option for funding is to continue receiving “one-off” legislative contributions with a specific funding portion or percentage set aside specifically for rail.

David requested the Commission’s input regarding the method of establishment for the Rail District. Jill Gaebler asked how a ballot measure to define a Rail District could exist before the district boundaries had been established. Additionally, Jill asked if the entire state would vote on the measure or if the district boundaries would be established and only those within would vote. David stated that it would be county-based and counties along the Front Range could opt in. This method is risky because a county could vote “no”, leaving a sizable section of the corridor missing. The Rail Commission has the ultimate authority but first needs to be defined by the TLRC. CDOT requests feedback from the Commissioners and their constituents before the TLRC meeting in the fall. Andy Karsian stated that a big challenge is determining the priorities for the Legislature. The Rail District would be a significant bill. If the Rail District asks for eminent domain, that is a big conversation. There is the possibility to ask for eminent domain and backpedal if faced with an insurmountable amount of pushback. The Commission will provide CDOT with their preference.

Rick Klein believes the Front Range Passenger Rail needs to connect to Amtrak, and thinks we could add counties along the Southwest Chief and California Zephyr routes as part of the district. Sal Pace disagreed, stating that a voter in Garfield County would assume they have a stop in Glenwood, and there would be no benefit to them of additional rail service. Sal doesn’t know if connecting to the Southwest Chief or California Zephyr would bring favorable voting blocks.

Pete Rickershauser requested a list of the most important topics for the legislature, and a clear picture of what the Commission needs to decide on from Andy Karsian. Jacob Riger requested a Pros/Cons list of the different Rail District governance structures; this includes structures that CDOT has looked at in the past. Jacob also stated that because an alignment for the Front Range Passenger Rail has not been determined, counties within all possible alternatives would need to be included in district boundaries. Pete Rickershauser expressed concern on how proposed legislation might tie in freight rail considering the public’s view of freight rail and that freight rail is private enterprise serving area and nationwide businesses. While the original scope of the Front Range Passenger Rail Commission did not include freight; Commissioners believe it is critical that any ballot measure have the prior understanding and support of Union Pacific Railroad and BNSF Railway.

Possible CDOT Legislation (2020) and Rail Related Legislation

Andy Karsian and David Krutsinger are working to get the requested information to the Commission by the August 9th Commission meeting. In September, there will be a better idea of what the governor is thinking regarding the legislative agenda. If there is a ballot measure, it would be on the 2020 ballot. Concern was expressed with this coinciding with presidential elections. There are also other questions on the ballot that need to be considered, such as Senate Bill 1 on transportation funding. There is dialogue about rail and how opponents perceive it; opponents will ask why the government would spend money on rail when there are roads that need to be fixed. It is possible to join SB-1 with Front Range Passenger Rail funding, to assure funding for both. There are also different opportunities beyond just a Rail District ballot measure.

Phil Rico stated that he doesn’t know what other taxing issues will be on the ballot in 2020, and is concerned on what else is in the package. Jacob Riger responded that the metro Denver region would be pursuing some sort of regional funding for transportation. Jacob stated that the Commission should be thoughtful around this as competing with funding for the Denver region will be difficult given the large

electorate. Becky Karasko added that there would be a transportation funding ballot measure in the North Front Range region. Jill Gaebler stated there would also be a transportation funding ballot measure in the Pike Peak Area Council of Governments region.

David Krutsinger had lunch with Cary Kennedy from the Governor's Office. She provided two thoughts for the Commission. First, there are discussions about de-Brucing the entire state, which could increase overall transportation funding and decrease what the Commission specifically needs to ask voters for. Her second thought coincides with Option 4 mentioned above, that they create an enterprise zone or zones for Front Range Passenger Rail that the Commission is not only taxing but can take in other revenue and engage in P3 deals, requiring less general funding.

F. Southwest Chief and Amtrak Update

BUILD 2019 Grant Match and Grant Application Status – Rick Klein

Rick Klein explained that \$8.349 million has been raised. An update from Kansas is expected later in the day; John Maddox, Kansas DOT, has been working on the Commission's behalf to receive \$1 million from Kansas. Rick specifically recognized Moura County because they contributed \$5,000 and only have 500 people. The Southwest Chief & Front Range Passenger Rail Commission contributed \$100,000 and ColoRail contributed \$1,000. Rick has been working with David Tennent (The Seneca Group, LLC.) on the BUILD Grant and has requested letters of support. Rick would like to have a letter of support from the Commission. Rick sent Randy Grauberger an example letter of support. Pete Rickershauser asked for clarification on when the application is due. Rick confirmed that the application is due on July 15th. Pete Rickershauser stated that once the application is submitted and the project is funded, all of the work on BNSF Railway's route would be completed in eastern Colorado and western Kansas with the majority of work done in Colorado.

TIGER and CRISI Grant Status reports – David Krutsinger

TIGER 9 - David Krutsinger doesn't have specific updates on TIGER 9. The application is moving along, the scopes are in, everything is moving forward. The team is working through the environmental analysis.

CRISI - KDOT and CDOT staff got feedback on July 23rd and will have a draft for participating members by late July or early August. David will forward the draft to FRA and start the process of developing agreements. Pete stated that CRISI installs PTC (Positive Train Control) and is a safety overlay on the BNSF Railway route between Las Animas Junction and Dodge City, Kansas.

Jill Gaebler announced that the Commission needs a motion to approve letter of support to the Secretary of Transportation. Rick initiated the motion and Jacob seconded the motion. The motion passed.

La Junta to Pueblo to Colo. Springs Thru-car discussion status – Rob Eaton

Randy Grauberger mentioned that at the last meeting in Fort Collins, Ray Lang said Amtrak top staff would come meet with CDOT Executive Director Shoshanna Lew and the Front Range Passenger Rail Commission and they would have further discussions about the thru-car.

Jill Gaebler stated that this sparked a discussion in Colorado Springs. Colorado Springs wants to move their transit center to the rail line and this is an opportunity to get that done. Phil Rico stated that in terms of thru-car operations, it makes sense to go through instead of rerouting to La Junta, Pueblo, and Trinidad. This seems like a better route than doubling back to La Junta.

Pete Rickershauser stated the Amtrak Thruway bus service for customers between Denver and Front Range communities south of Denver headed to or from the west and LA is already an Amtrak service. For Denver and Front Range communities south of Denver riders going to or from the east on the

Southwest Chief, there is no similar connecting service. For passengers going east, the current stop where they could board or disembark from the train would be at La Junta.

Amtrak Safety Assessment on N.M. sole use segment

Pete stated that Amtrak is working with BNSF on a safety assessment of the Chief's route from Trinidad to Lamy, NM. Amtrak requires PTC or another safety system to be installed to commit to long-term operation of the train over this line segment. They laid out a proposal for a safety system and have been having conversations over the past few months. Phil Rico asked how long the waiver for the PTC lasts.

David Harris stated that the PTC is not required on this segment because there are only two trains per day. Amtrak made a policy decision to only have PTC on long segments.

David Krutsinger stated that CDOT is finalizing an agreement with Amtrak to receive a payout for the demolished shelter in Trinidad for construction of I-25. The payout is to build an Amtrak passenger shelter and platform safety bollards.

Jim Souby's Amtrak related Congressional Testimony

The Commission was asked if they had read Jim Souby's testimony and Richard Anderson's testimony, and their thoughts on these. Sophie Shulman stated that Jim read a shorter version than the full written version handed out at the meeting. Phil Rico expressed concern regarding the focus area of Richard Anderson's testimony; stating that he believed it to be too focused on the East Coast and not focused enough on Colorado. David Krutsinger shared this concern and stated that his understanding was that there is executive authority to make decisions not ratified by Congress. Phil stated that the testimony is asking for money for the East Coast Corridor. Pete Rickershauser stated that the Eastern Corridor needs investment, and that this doesn't have to be a zero sum game in relation to the long-distance passenger train network. The first requirement from Amtrak is PTC equivalency for all passenger trains, and Pete is hopeful given the stipulation of allowing PTC equivalency in lieu of full PTC. Phil Rico thinks the Commission should expand to other states and believes this could be a strength of the Commission. Pete agrees that it cannot be either/or in terms of regional or long distance trains. This topic was discussed a fair amount in Richard Anderson's testimony. Recent examples were given that emphasized the need for reinvestment in the system.

G. Front Range Passenger Rail

Consultant Selection; next steps

Randy stated that HDR and their team were selected as CDOT's consultants for the study on Front Range Passenger Rail. The team was at the meeting and Randy asked Carla Perez, HDR Project Manager, to address the Commission. Carla introduced Wendy Wallach as the NEPA/Environmental lead, Mandy Wharton as the Pre-NEPA lead, Jonathan Bartsch as the Strategic Engagement lead. The Commission was given the opportunity to ask Carla questions, no questions were raised. Jacob Riger mentioned that procurement for this contract were expedited and Randy Grauberger said that CDOT upper management strongly supports this project.

H. Communication Plan Sub-committee – Randy

Website comments

Randy Grauberger stated that he is continuing to update the Commission website and has recently corrected errors, identified Commission members, and made other small corrections. Commissioners are encouraged to review the website. Randy will continue to try and add articles and press releases to the

site as they come up. Spencer Dodge will be able to help with the website but there are certain things that only the CDOT Communications Office can help with.

The Commission provided time for Spencer Dodge to introduce himself. Spencer is starting Monday as the Commission Liaison and will be reaching out to commissioners one on one to make a personal introduction. Spencer has been working as a consultant in Public Involvement and Stakeholder Engagement for the last several years. He spent time at CDR Associates, and worked alongside many of the communities along the Front Range.

Sal Pace will reach out to Terry Hart regarding the August 9th Commission meeting in Pueblo. The Pueblo Mayor has expressed interest in holding events around the Pueblo Commission meeting, such as a visit to the Transportation Test Center (TTCI). Terry Hart will coordinate this meeting and event.

Metro Quest Survey – David Singer

David Singer, CDOT Environmental Policy and Biological Resources Section Manager, gave a presentation outlining the MetroQuest survey. CDOT has a license with MetroQuest. A survey formed using recommendations and comments on the survey questions from Commissioners was presented. A version of the survey is being translated in Spanish and will be finished in 4-5 business days. This survey will evolve as awareness is raised and will be utilized to build a project contact database. The survey helps to understand priorities by providing a space to rank the top five existing priorities, including a write-in option. The survey also helps to geographically understand where trips are starting and what the trips might look like. There are two links to reach the survey: The Front Range Passenger Rail Commission website and the Division of Transit and Rail site embedded in the CDOT website. The survey will be live for two months, which will coincide with the consultant coming on board. The best way to solicit traffic might be promotion through social media. Commissioners were very receptive to the survey. Randy Grauberger will inform Commissioners when the survey is live. Phil Rico stated that once the survey is live, he would like to send the link to their local newspaper. Randy stated that there will be a press release regarding the survey.

I. Other and Future Business - Randy

Randy stated that Union Pacific Railroad is not using Burnham Yard but that they still own the land. RTD, CDOT, DRCOG and the City and County of Denver (CCD) are all interested in acquiring it. Sarah Cassidy (Union Pacific Representative) stated that the UP real estate team is determining how UP wants to proceed. UP is not in a rush and wants to be thoughtful, given the high-level of community interest and the condition of the property. Greg Larson (UP Real Estate team) is evaluating working to establish the value of the property given its current condition, and will have clearer idea once there is feedback on options for how the company wants to market the land. CDOT would use the property to offset the Central I-25 expansion. The Commission believes Burnham Yard could provide the Front Range Passenger Rail access to downtown. RTD thinks they could expand their services from two to four tracks with a corridor along the east side of the property. CCD has an interest in the cross streets and future neighborhoods surrounding the property. Jacob Riger says DRCOG wants to coordinate with stakeholders and have a common vision. David Krutsinger stated that CDOT may be in the best position to negotiate with UP. Sarah is happy to facilitate introductions to Greg Larson. David Krutsinger stated that the CDOT Chief Engineer, Josh Laipply, knows Greg Larson and would be CDOT's negotiation lead. Bill Van Meter stated that RTD has money budgeted to purchase land for expanding capacity from two to four tracks for light rail from the south.

Randy Grauberger gave an update on the Commission Charter. The original charter was signed in 2017, and the Commission is working to update that. The Charter will be on the agenda for the August Commission meeting.

Pete Rickershauser stated that David Krutsinger's team is looking at an update to the transit plan that includes rail. CDOT is engaged in a statewide planning process update and is conducting listening sessions in addition to an online survey. Pete Rickershauser asked if they were going to various counties and conducting interviews and if the Front Range Passenger Rail is being brought up. David stated that CDOT is going to every county in the state. In Douglas County, they presented for two hours and they were asked to come back. Douglas County was mostly interested in transit. Jacob stated that DRCOG will start its 2050 Regional Transportation Plan and will have a survey to set the stage for their planning process. RTD is starting with their own set of public involvement. Pete stated that he appreciates the information and requested an update when relevant about Front Range Passenger Rail findings to the Commission. David Krutsinger will provide a brief update on the CDOT statewide planning process in August.

J. Confirm Next / Future Meetings – Date/Time/Location

- i. August 9 – Pueblo (Discuss location, activities, etc.)

Randy Grauberger and Terry Hart will discuss logistics for the August meeting and update the Commission.

- ii. September 13 – Denver

- iii. October 11 – (somewhere NF Range??)

Randy asked Rick Klein if he wanted to host a meeting. Rick preferred to keep the meeting on the Front Range. Becky Karasko will check with Loveland and Longmont about hosting a meeting. Phil stated that if the Commissioners want to consider Trinidad as a host, the City could host a future meeting.

Phil Rico stated that a new recreation area around Fisher's Peak is being funded by GOCO, Trust for Public Lands, and CPW. The area will include opportunities for hiking, biking, hunting and fisheries.

The Commission adjourned at 10:15.