

DATE: December 3rd, 2019
TO: Southwest Chief and Front Range Passenger Rail Commission
FROM: Sal Pace, by Spencer Dodge
SUBJECT: Passenger Rail Governance Proposal from Sal Pace

Creation of Front Range and I 70 Passenger Rail Authority

Legislation would create the Front Range & I 70 Passenger Rail Authority (“Authority”). The statute would provide the ability to create a Front Range and I 70 Passenger Rail Authority. The Authority would be divided into two distinct Districts, with their own managing Commissions (could pull language from existing Public Highway Authority, Regional Transportation Authority statutes or Regional Transportation District)

Summary Description:

The General Assembly would create the Front Range and I 70 Passenger Rail Authority. It would include two distinct districts and commissions within the authority – 1) Front Range Passenger Rail District & Commission; and 2) I 70 Passenger Rail District and Commission. The two districts may go to the voters simultaneously for funding approval or each district may go to the voters separately. The two Commissions would typically hold separate meetings and elect their own officers. They would approve their own budgets separately. However, there would also be an Authority budget; and the two Commissions may share some staff. However, they would be required to meet jointly at least twice annually to ensure collaboration and to approve their joint Authority Budget.

Local Government Participation:

After a funding measure is approved by voters, the Authority shall enter into contracts (IGA, MOU) with participating entities through the Division of Local Government.

Primary Powers:

Mirror existing Public Highway Authority legislation language that would allow the Authority to plan, design, fund, finance, build, operate, and maintain. In addition, Authority would have power of eminent domain, taxation, and police powers. Each Commission within the Authority would have the ability to refer Tabor questions to the voters in their respective jurisdiction.

Statutory Purpose Front Range Passenger Rail District and Commission:

Design, build and maintain a publicly managed passenger rail system on the Front Range of Colorado.

The District shall work collaboratively with RTD to complete a rail line from Denver to Boulder. Completing this stretch of Front Range Passenger Rail should take the highest priority for the Commission.

The District shall complete the re-route of the Southwest Chief line connecting the cities of Trinidad, Pueblo and La Junta; and coordinate connectivity to the Front Range line.

The District shall coordinate with the I 70 Passenger Rail Commission to ensure connectivity between the Front Range line and the I 70 line.

Statutory Purpose I 70 Passenger Rail District and Commission:

Design, build and maintain a publicly managed passenger rail system on the I 70 corridor of Colorado including connecting the communities of Eagle to Denver.

The District shall coordinate with the Front Range Rail District to ensure connectivity between the Front Range line and the I 70 line.

Jurisdictional Lines:

Front Range Passenger Rail District would include the Counties of Larimer, Weld, Boulder, Broomfield, Jefferson, Denver, Adams, Arapahoe, Douglas, El Paso, Pueblo, Huerfano, Las Animas and Otero.

I 70 Passenger Rail District would include the Counties of Denver, Jefferson, Clear Creek, Summit and Eagle (Pitkin?)

Front Range Passenger Rail Commission Board of Directors:

The Board would be seated by October 1st, 2020. The existing Southwest Chief and Front Range Passenger Rail Commission would be disbanded upon seating the new Commission. Any funds in the current Commission account would be transferred to new Commission

4 Commissioners Appointed by Denver Regional Council of Governments. At least one must be a sitting elected official. The appointees are not required to be current board of staff for the COG.

2 Commissioners Appointed by Pikes Peak Council of Governments. At least one must be a sitting elected official. The appointees are not required to be current board of staff for the COG.

2 Commissioners Appointed by North Front Range Metropolitan Planning Organization. At least one must be a sitting elected official. The appointees are not required to be current board of staff for the MPO.

1 Commissioner Appointed by Pueblo Area Council of Governments. The appointees are not required to be current board of staff for the COG.

1 Commissioner Appointed by South Central Council of Governments. appointees are not required to be current board of staff for the COG.

1 Commissioner Appointed by South East Council of Governments. appointees are not required to be current board of staff for the COG.

2 Commissioners Appointed by the Governor, with Senate confirmation who are passenger rail advocates

1 Commissioner Appointed by RTD.

1 Commissioner Appointed by the CDOT Director

3 Commissioners representing each of the three class 1 railroads operating in Colorado (UP, BNSF, and Amtrak). They shall be designees of the CEOs of the respective class one railroads; and must receive Senate confirmation. These Commissioners may not vote on referring any tax measures to the ballot.

2 Non-voting members representing communities in New Mexico and Wyoming

170 Passenger Rail Commission Board of Directors:

Use similar language from the Front Range Passenger Rail Commission above

Other items:

Legislation should provide flexibility to allow system O&M to be provided through a) FRPR staff; b) contracted to a private provider; or c) contracted with Amtrak. Two options based on existing statutory language. Option 1 - mirror Public Highway Authority and condemnation would be available through an extension of the existing power granted to participating local governments. Option 2 - mirror Regional Transportation Authority and condemnation authority is provided in statute. Mirror existing legislation language that would allow the Commissions to pursue P3 opportunities, when applicable.

Mirror statutory language to allow the Authority to assess fees; raise taxes; issue revenue bonds; and charge fares and user fees (what fees and taxes to include). Mirror statutory language that provides the ability to enter into agreements (contract, IGA) with CDOT/HPTE; RTD; Class 1 Railroads; Amtrak; and neighboring adjacent States.