

Southwest Chief and Front Range Passenger Rail Commission Draft Meeting Minutes

Friday, October 23rd, 2020
9:30 a.m. – 11:30 a.m.
Meeting held remotely via Zoom

COMMISSION MEMBERS IN ATTENDANCE:

Member Name	Member Role	Organization	Attendance
Jill Gaebler – Chair	Pikes Peak Area Council of Governments	City of Colorado Springs	Yes
Terry Hart	Pueblo Area Council of Governments	Pueblo County	Yes
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	Yes
Sal Pace	Passenger Rail Advocate	Resident of Pueblo	Yes
DJ Mitchell	Class 1 Railroad Representative	BNSF Railway	Yes
Nathan Anderson	Class 1 Railroad Representative	Union Pacific	Yes
Phil Rico	South Central Council of Governments	Mayor of Trinidad	Yes
Jacob Riger – Vice Chair	Denver Regional Council of Governments	DRCOG	Yes
Jim Souby	Passenger Rail Advocate	ColoRail	Yes
Bill Van Meter	Regional Transportation District	RTD	Yes
David Krutsinger*	Colorado Department of Transportation	CDOT	Yes
Rob Eaton*	Amtrak	Amtrak	Yes
Dale Steenbergen*	Cheyenne, Wyoming	Chamber of Commerce	No

*Non-Voting Members

Others: Randy Grauberger (SWC & FRPRC), Spencer Dodge (SWC & FRPRC), Andy Karsian (CDOT), Bill Craven (NMDOT), Brian Hartman (CDOT), Carla Perez (HDR), Chelsea Gaylord (Colorado Springs), David Singer (CDOT), Deborah Wagner (Lombard and Clayton), Emma Belmont (FTA), Jamie Grim (CDOT), Jeff Dawson (CDOT), Jeff Schultz (David Evans & Associates), John Liosatos (PPACG), Karen Hedlund, Kathryn Wenger (PPACG), Kristin Kenyon (FTA), Laura Shabe (WSP), Lisa Streisfeld (CDOT), Steve Long (HDR), Melanie Monarco (WSP), Miller Hudson, Nathan Minor (Colorado Public Radio), Rebecca White (CDOT), Sally Chafee (CDOT), Scott Bressler (AECOM), Tim Hoover (CDOT),

A. Call to Order and Introductions – Jill Gaebler

Jill Gaebler called the meeting to order at 9:32am and began introductions.

B. Colorado Open Records and Open Meetings Law – Kathy Young

Kathy Young, First Assistant Attorney General, provided a training on Colorado Open Records and Open Meetings Law for the Rail Commission. This is a yearly required training. The Rail Commission was created within CDOT as a Type 1 Transfer, meaning the Rail Commission has quite a bit of independence. The Rail Commission has control over items such as their own budget and activities. The Aeronautics Board and HPTE are other Type 1 Transfers within CDOT.

Kathy continued providing information on the Colorado Open Records Act (CORA). It is recommended for the Rail Commission and staff to assume that all work done should be considered public record and subject to CORA. CORA is intended to ensure that state work is not unduly hidden from the public eye. "Public Record" applies to all writings that are made, maintained and kept. Text messages that aren't about Rail Commission work are not public record, text messages discussing the work of the Rail Commission are public record. There are documents that are exempt from public record. However, most of these exceptions, such as criminal justice records, are not relevant to the Rail Commission. There are a few ways for public records to be denied inspection; a few, such as certain employment records, are able to be held private. When CORA requests are made, the state has a reasonable amount of time to provide those. For larger volumes of records, additional time is often allowed.

Kathy then presented on open meetings and related laws. A meeting counts as any gathering convened (in person, by telephone, electronically or by other means of communications) to discuss public business. An email exchange between a couple of commissioners to discuss public business is considered a meeting. Meetings are further defined as meetings in which "any public business is discussed or at which any formal action may be taken...". Additional information was provided on meeting notifications and included ADA Considerations. For HPTE and Transportation Commission meetings, ADA accommodations are promoted. The Rail Commission should begin to provide these accommodations as well. As meetings are now virtual, there have been a few updates to provide ADA accommodations if necessary. Kathy also discussed meeting minutes; meeting minutes are intended to provide an idea of what occurred in the meeting, but a true transcription is not required.

Kathy provided training on executive sessions. Reasons for entering into executive session are set in statute. Executive sessions must discuss the topics that are announced prior to entering and an exact process must be followed. Topics including discussions with attorneys, determining positions relative to matters that may be subject to negotiations with employees or employee organizations, discussions around employee dismissals, discipline, promotion etc., and other negotiations are allowed. Kathy offered to assist the Rail Commission if an executive session is ever needed. A super-majority is needed to enter an Executive Session. Discussions can be held in executive sessions. However, formal actions must be taken in public.

Jim Souby asked what to do if the need for an executive session arises during a meeting when an executive session was not advertised. Kathy advised that, as long as the executive session was not previously prepared for, the 24-hour notice can be waived if there is an emergency need. As long as a record was kept for the need to enter into executive session, the Rail Commission would be okay.

Phil Rico asked for clarification around executive session recordings. Local agencies are not required to keep recordings. State agencies are required to keep a recording of the executive session for 90 days.

C. Review/Approval of September 25th Draft Commission Meeting Minutes – Jill Gaebler

Jill Gaebler asked if there were any changes needed. Jim Souby mentioned, under section G in the second paragraph, that Daneya Esgar was listed as a senator instead of a representative. This change was noted and will be changed. Jim made a motion to approve the minutes with that minor change, DJ Mitchell seconded the motion, the motion passed unanimously.

D. Public Comment Period – Public

There were no public comments.

E. Project Director's Report – Randy Grauberger

Randy Grauberger provided a summary of his Project Director's Report for the Rail Commission. Rail Commission staff have submitted final paperwork to the FRA for the 2019 CRISI Grant, the Southwest Chief Thru-Car Alternatives. The schedule and budget have been approved by FRA and the Scope of Work is final too. During the last RFP process, there were several Rail Commissioners who served on the selection panel; Rail Commission staff will be reaching out to Commissioners for volunteers to be on this next selection panel for the 2019 CRISI Grant selection panel.

Rail Commission staff are also beginning to engage with FRA staff regarding the 2020 CRISI Grant. The City of Trinidad, who provided support to get the application submitted, are also included in this initial effort.

Rail Commission staff have continued to present throughout the corridor, including to the Transportation Commission and City and County of Denver. Staff also continue to engage with RTD and the Class 1 railroads. Staff have spoken with the California High Speed Rail Commission to set up a "lessons learned" presentation at the December 4th Rail Commission meeting. The HDR consultant team are working with Rail Commission staff to develop an implementation plan to present to the Commission.

F. Southwest Chief

Tiger IX Grant – Bill Craven

Bill Craven, NMDOT, informed the Rail Commission that the project is under way and moving along. Comments were received from FRA about the Project Management Plan draft; these comments have not yet been resolved but are being addressed.

2018 PTC CRISI Grant – David Krutsinger

David Krutsinger, CDOT, provided an update on the 2018 PTC CRISI Grant. The project team has submitted their Project Management Plan, which was approved by the FRA. That plan identified the next milestone as Design Completion in December or Early January. Construction is intended to begin in the spring of 2021. DJ Mitchell added that BNSF is available to execute the agreement as soon as it arrives.

2019 CRISI Grant: Thru-Car Alternatives Analysis – Randy Grauberger

Rail Commission staff are finalizing the Statement of Work for FRA's review and are anticipating for the grant to be obligated soon. Randy reminded Commissioners to think about who would like to volunteer to serve on the selection panel.

G. Front Range Passenger Rail

2020 CRISI Grant: RTC/SDP Update – Randy Grauberger

A kickoff call with FRA is scheduled for the next week, Rail Commission staff and the City of Trinidad will be in attendance. This grant is intended to complete Rail Simulation Modeling and a preliminary Rail Passenger Service Development Plan. This effort will continue the work of the FRPR team over the last year or so.

FRPR Project Update – Randy Grauberger

At the December 4th Rail Commission meeting, a further update will be provided from CDOT staff and the consultant team. The HDR team is working to finalize deliverables and is developing a draft implementation plan. The blended team is continuing additional ridership analysis. These models will look at 6 round trips and 12 round trips instead of 24 round trips a day. Preliminary results on these are being produced and will be shared at the next Rail Commission meeting.

Colorado Legislative Strategy/Local Matching Funds Strategy – Randy Grauberger

At the end of the prior Rail Commission meeting, a conversation was initiated by Mayor Phil Rico regarding a challenge of support for the Front Range corridor. The Rail Commission charged staff with developing a letter to distribute among the various stakeholders. This letter outlined requests for the consideration of matching funds for future federal grants, as well as support through stakeholders' legislative staff for support at the capital. Rail Commission staff and Commission leadership worked to develop a memo that will be distributed and this was reviewed. Jill Gaebler mentioned that she has offered to personalize this letter for entities that she knows well, and encourages elected officials to also do so for relevant individuals. A list of entities was distributed to the Rail Commission; this is based on the stakeholders who have participated in coalition meetings. Phil Rico endorsed the letter and Jill's idea to personalize letters. Jim Souby commented that he thinks the letter is good, but maybe too detailed. Jim supports targeting individual letters closely. Jim asked for a deadline on comments, that deadline is close of business on Wednesday, October 28th.

Becky Karasko asked about preparing two different letters; one for advocacy and another for advocacy and funding support requests. Sal Pace commented on the first bullet in the letter and suggested including a point of contact for individuals to reach out to and to avoid details on dollar amounts. Sal also suggested that, if using a hard dollar amount, to consider basing that on population, to set aside specifically for Front Range Passenger Rail. Rail Commission staff were supportive of these recommendations. Terry Hart furthered the discussion by suggesting follow up work being done as far as identifying individuals who might be able to assist in lobbying for passenger rail. Phil Rico suggested having two signature lines on the letter, one for the chair and one for the relevant Commissioner for whom the letter is identified. Sal Pace suggested the Rail Commission offer briefings to CCI and CML, as well as JBC staff.

H. Other Items

Amtrak Update

Rob Eaton provided an update on Amtrak and their current stance. CARES Act funding is almost exhausted for state-supported routes. Long-distance services have exhausted all CARES Act funding which has resulted in temporary 3-day/week service instead of daily service on all long-distance routes. Amtrak is still funded under the Continuing Resolution for Reauthorization Bill. That resolution ends December 11th. The HEROES Act does not include money for Amtrak. Long distance service will be reviewed in February, 2021 to make possible adjustments. Absent of HEROES Act funding, Amtrak will need more funding. Amtrak had a Senate Transportation Committee Hearing. That hearing showed bipartisan support for including Amtrak funding in the HEROES Act. When sufficient funding is provided,

the 3-day service will be increased back to daily service. That change would not happen overnight; that is likely a 90-day process. Phil Rico mentioned a local rider who wrote a positive article on accessing passenger rail to California and back from Trinidad and suggested Rob look into that. Jim Souby asked Rob about the consist of cars being moved across the country being reduced, and asked about the current seating for Amtrak (50% booking). Rob responded that Coach seating is about 55% and that is in response to the COVID pandemic. As far as the consist sizing, that was reduced due to ridership being lower. Amtrak is working on updating consist sizing but Rob did not have an update at the time. Rob is going to get information on Amtrak's response to COVID issues to Jim Souby. Phil Rico mentioned that people in Trinidad don't have any sort of structure, even a bench or canopy, at the station. Phil wanted to bring that to Amtrak's attention for consideration of an overhead structure. Randy thanked Ray Lang for his presentation at a transportation forum in Colorado, again mentioning Colorado's status for potential federal funding.

Rail Commission Funds

Jeff Sudmeier provided a review on the Rail Commission funding. The Rail Commission had an existing balance of \$140,000 in 2018. At that time, CDOT requested that \$100,000 of that fund be appropriated to the Rail Commission. This was not new money, just access. That \$100,000 request has been maintained year to year, giving the Rail Commission authority to spend up to that amount on an annual basis. \$2.5m in additional money was transferred to the fund in 2018. Those funds did not come with an appropriation originally. All of this is to say, absent any further action, on June 30th the appropriation will go away. Without an extension past the end of the Fiscal Year, those remaining funds cannot be accessed. The Rail Commission would still be able to access \$100,000 of those funds. The SB-1 appropriation will not be exhausted in this Fiscal Year. CDOT intends on working with the Rail Commission staff to attempt to extend that appropriation beyond the current fiscal year.

Jim Souby asked if the \$100,000 is appropriated for FY2022. That is correct, that appropriation request was submitted in 2018 and has been continued each subsequent year. If nothing more was done, that appropriation request is likely to continue into 2022. However, based on the status of grant commitments, that would leave a significant portion of the SB-1 balance unappropriated. These are the dollars that need to be extended. Randy and Rail Commissioners thanked Jeff for the update.

I. Confirm Next/Future Meetings

The next Rail Commission will be December 4th.

J. Adjourn

Jill Gaebler adjourned the meeting at 11:23 am.