

Southwest Chief and Front Range Passenger Rail Commission
 Special Meeting
 Draft Meeting Minutes

Thursday, June 11th, 2020
 1:00 p.m. – 2:30 p.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
Pete Rickershauser	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
Ray Lang*	Amtrak	Amtrak	Yes
Dale Steenbergen*	Cheyenne, Wyoming	Chamber of Commerce	

*Non-Voting Members

Others: Randy Grauberger (SWC & FRPRC), Spencer Dodge (SWC & FRPRC), David Singer (CDOT), Chris Enright (CDOT), Carla Perez (HDR), Eric Richardson (CDOT), Jeffrey Range (CDR Associates), Jennifer Webster (Catalyst Public Affairs), Lisa Streisfeld (CDOT), Mandy Whorton (Peak Consulting), Michael Meyer (Quandel Consultants), Rob Colosimo (HNTB), Rebecca White (CDOT), Jeff Dawson (CDOT), Sally Chaffee (CDOT), Shoshana Lew (CDOT), Sophie Shulman (CDOT), Steve Long (HDR), Tim Hoover (CDOT), Wally Weart (Public)

A. Call to Order and Introductions – Jill Gaebler

Jill Gaebler called the Special Meeting to order at 1:00 pm and began introductions. Before moving into the agenda, Jill Gaebler requested that the 2020 CRISI Grant topic and CDOT MOU conversation be switched from the original draft agenda so that the CRISI Grant would be discussed first. This change was agreed upon and is reflected in these minutes.

B. Public Comment Period – Public

No public comments.

C. 2020 CRISI Grant

Randy Grauberger began this agenda item by discussing the key events over the previous months relating to the submission of an application for a Consolidated Rail Infrastructure and Safety Improvements (CRISI) Grant.

On April 24th, the Rail Commission authorized Rail Commission staff to use \$20,000 to hire a consultant to prepare the grant application; similar to the 2019 CRISI application process. On April 30th, CDOT leadership indicated that they could save this \$20,000 by having OPRG staff assist the Rail Commission in preparing the application. On May 4th, in a meeting with BNSF and UP, it became clear that the Rail Commission would not be ready to move forward with a \$10m grant for the full NEPA process. This was due to the need for Rail Simulation Modeling or Rail Traffic Control (RTC) Modeling on the potential need for shared-use sections of track. The Federal Railroad Administration (FRA) also confirmed that RTC modeling would need to be done before NEPA could begin. FRA also suggested that the Rail Commission submit a CRISI Grant application for just RTC and completing the preliminary Service Development Plan. The Rail Commission was informed of this decision to adjust the application at the May 22nd Rail Commission meeting. On May 29th, OPRG staff informed Rail Commission staff that they were no longer able to assist in the preparation of the Rail Commission's grant application. CDOT decided to submit a separate CRISI Grant application for the Burnham Yard project. On June 2nd, Commissioner Terry Hart informed Commission staff that Pueblo County would be pledging \$100,000 in matching funds for the Rail Commission's CRISI grant application. Commissioner Hart informed the Rail Commission of this and encouraged other Commissioners to find and provide additional funds. CRISI Grants require a minimum of 20% in local funds compared to the 80% in federal grant money. Rail Commission staff have continued to work on the grant application. Staff reached out to Washington DOT, who received a CRISI Grant for their Service Development Plan. WSDOT provided a copy of their application to Commission staff for additional information.

Rick Klein asked if \$100,000 was the only matched funding, and if Commission staff wanted to reach out to Steve Moreno from Weld County in terms of a contribution. Becky Karasko, NFRMPO, indicated that she has yet to talk with Steve Moreno about this and that she would need to discuss an approach with NFRMPO leadership. Rick and Becky will discuss this possibility following this Rail Commission meeting. Phil Rico asked when the pledged money would need to be provided. Phil was told this would occur after the grant was awarded; the traditional timeline indicates that the grant would be awarded right before Election Day and another 4 months would likely pass before money would be needed.

D. CDOT Memorandum of Understanding

Jill Gaebler introduced the agenda item related to the MOU with CDOT. CDOT provided a draft document that was reviewed by Rail Commission staff and leadership, and edited versions were exchanged. At this meeting, issues and thoughts were discussed. Jill stated that the goal of this special meeting was to come

to an agreement on the MOU. CDOT Director Shoshana Lew, Chief of Innovative Mobility Sophie Shulman, and CDOT Chief of Staff Sally Chaffee were all on the call and ready to discuss the document.

Spencer Dodge displayed the draft document. Jill Gaebler read through the document, paragraph by paragraph. No comments were made on the first paragraph. Phil Rico asked, regarding the second paragraph, if the costs listed were including staff contracts and other costs. The funding mentioned in the second paragraph is CDOT's funding, which will be provided to pay for CDOT staff resources. Pete Rickershauser asked how much of that money has been spent, and how much money remains. David Krutsinger has been tracking that for CDOT and he believed there was a little over \$1m remaining. Pete followed up and asked how much of the two-year time frame was remaining. David responded that this time frame was set to end June 30th, 2021 and at that time, it would be determined if that money would or would not roll over. Pete asked if that time frame and cost center amount remained unchanged with this document. The matching resources from CDOT are not changing with the MOU.

The third paragraph of the MOU received no comments. In the fourth paragraph, one minor change was made to imply that the new staff commitments in the MOU were in addition to the previous commitment from CDOT. In the fifth paragraph, "...state (subject to Transportation Commission approval) and local..." was added because all CDOT funding must go through the Transportation Commission for approval. Becky Karasko asked if flexible state funds referred to only state funds through CDOT and any funds that were allocated to the Rail Commission through the legislature. Sophie Shulman suggested including language such as "...unless otherwise appropriated to the Rail Commission" to ensure that those funds were clearly and efficiently sent to the Rail Commission.

Spencer Dodge commented on the seventh paragraph that CDOT and the Rail Commission should define what preliminary SDP and pre-NEPA work entails. Spencer commented that this clarification doesn't need to happen in this MOU, but that CDOT and the Rail Commission should agree at some point on what kind of outcome is expected.

Jill Gaebler discussed the "NOW THEREFORE BE IT RESOLVED" section of the MOU. Sophie Shulman commented that, in regards to the first section, it is required that CDOT staff be directed by the CDOT Executive Director and not someone outside the organization. There were no other changes discussed until the last paragraph. Phil Rico asked about the six-month period mentioned earlier in the section. This was added to make sure that support was given until the new year. Jill Gaebler expressed her hope that CDOT would continue to support the project beyond that six months. Randy Grauberger added that the Commission's consultant contract would be finished at that point as well.

Sophie Shulman commented, on the last section, that individuals would be full time on the FRPR project, as long as there was full-time work to do. This addition makes it clear that other CDOT individuals would be able to work on other projects as well. Director Lew commented that, because CDOT is trying to put together a team with specific subject matter expertise and that means they would be able to work on other projects that are mutually beneficial, such as Burnham Yard.

The next NOW THEREFORE BE IT RESOLVED, was read with no additional comments. The second to last NOW THEREFORE BE IT RESOLVED was reworded by CDOT so that the separation between CDOT and Rail Commission staff was clear. Phil Rico asked about the two directors, CDOT and the Rail Commission, and how disputes would be resolved between those two. There is nothing in the MOU to address any disputes. Director Lew announced that David Singer would be the CDOT Project Manager. These kinds of disputes will be handled in the Executive Oversight Committee. There were no other comments or suggested edits to the Draft MOU.

Sal Pace commented that he is less concerned with the MOU document itself and more concerned with CDOT's intent. He continued that the original intent of the Rail Commission was to be independent from CDOT as a result of historical differences. With this agreement, a more formal relationship is being formed. Sal asked Director Lew what CDOT's commitment to the project and what type of assurances can be had in regards to CDOT's participation as a partner and advocate. Director Lew responded that FRPR is a priority for the Governor and he would like to see the study move a little faster than it has to

date. CDOT has given the Governor assurances that they are putting their best effort forward. The level of effort in the MOU is very real, and the group of staff members wouldn't be put together unless this was a priority for the department. Director Lew's hope for the EOC structure is to have a routinized project schedule with real deliverables in the near-term. The goal is to have the project fall into a normal work pattern for a project of this size. Within weeks, CDOT is hopeful that products will be available to show progress. Sal stated that this alleviated his concerns. Phil Rico asked about information from the Governor that the Commission was being restructured. Director Lew has not seen that and does not think it will change anything with the MOU. Director Lew is hopeful that the project will be pretty close to being done by the next time legislative action can take place.

Jill Gaebler asked if there were any other concerns from the Rail Commission. Terry Hart thanked all those involved with working on this document, as well as Director Lew for her support. Terry believes this MOU is a solid effort for both entities to work together and he is grateful to reach this point. Terry stated that the MOU appeared to be a solid commitment of support from CDOT. Jill Gaebler thanked Spencer Dodge and Randy Grauberger for working on the MOU document, as well as thanking David Singer for his commitment to the project.

Becky Karasko asked if the MOU would be reviewed in six-months and if a date needed to be discussed for a review. Director Lew stated that the six-month timeframe was included because a deliverable/milestone should be reached at that point. Jill Gaebler stated that this future point would be a good time to revisit this commitment. Jim Souby stated that this resonates with the new FY beginning at July 1st and that it might need to be amended closer to the start of the 2021 legislative session. Randy Grauberger commented that the blended team has worked really well and that he is excited to continue the project with the CDOT team.

Randy also discussed letters of support for CRISI Grants that both CDOT and the Rail Commission are pursuing. The Rail Commission agreed to provide a letter of support to CDOT. CDOT did not respond. Phil Rico stated that having CDOT more involved would be beneficial for the project down the road. Pete Rickershauser commented on the CDOT Burnham Yard CRISI Grant and said it would be negligent on the Rail Commission's part to not support. Sal Pace asked if a motion needed to be made to approve the MOU. Sal Pace made a motion to approve the MOU, Jim Souby seconded the motion. The motion passed unanimously.

E. Adjourn

Jill Gaebler adjourned the meeting 2:25pm.