

Southwest Chief & Front Range Passenger Rail Commission

Meeting Minutes

Friday, March 8, 2019 (as amended on April 12, 2019)

9:30 – 11:30

**Location - CDOT - HQ / South Platte Trail River Conference Room #231
2829 W. Howard Place, Denver, CO**

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 | Yes |
| Jill Gaebler | Pikes Peak Area Council of Governments | City of Colorado Springs | Yes |
| Terry Hart | Pueblo Area Council of Governments | Pueblo County | Yes, phone |
| 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, phone |
| Sal Pace | Passenger Rail Advocate | Resident of Pueblo | No |
| 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 | Yes, phone |
| Bill Van Meter | Regional Transportation District | RTD | No |
| David Krutsinger* | Colorado Department of Transportation | CDOT | Yes |
| Robert Eaton* | Amtrak | Amtrak | Yes, phone |
| Dale Steenbergen* | Cheyenne, Wyoming | Chamber of Commerce | Yes |

* Non-voting member

Additional attendees: Randy Grauberger, Project Director (Southwest Chief & Front Range Passenger Rail Commission); Brian Hartman, Sharon Terranova (CDOT Division of Transit and Rail); Andy Karsian (legislative liaison for CDOT); Raul Duran, Jose Soto, Joe Pimentel (Laborers' International Union of North America [LIUNA] Local 720); Drew Brooks, Paul Sizemore (City of Fort Collins); John Liosatos (Pikes Peak Area Council of Governments [PPACG]); Jordan Block (WSP); Cathy Storey, Chris Proud (HDR).

By phone: Jim Souby; Rick Klein; Terry Hart; Rob Eaton, Ray Lang (Amtrak); Grant Bennett (representing Pueblo); Carla Perez (HDR).

A. Call to Order and Introductions - Jill Gaebler

Meeting was called to order at 9:36 and those in the room and on the phone introduced themselves.

B. Review/approval of February 11 Meeting Summary – Jill Gaebler

The Commission discussed the desired format for meeting notes and whether they should be called “notes” or “minutes”. Consensus was that the meeting is public, and the Commission receives tax revenue, so a detailed summary or minutes are appropriate, not a transcription. Randy Grauberger will look into how other state Commissions label the meeting minutes.

C. Public Comment Period – Public

Phil Rico showed the group a poster for Trinidad’s upcoming Southwest Chief Bicycle and Comedy Festival - the purpose is to promote both Trinidad and the Southwest Chief to increase ridership. Phil stated that the City just closed on a large property that will add ridership.

D. Legislative Update

a. Staff Update of Current Legislation - Andy Karsian noted that he hasn’t been involved with this Commission until now, and looks forward to working with the Commission. Update on crew member bill HB 19-1034: An amendment was added to restrict the bill to freight trains only, not passenger rail, and it passed both houses. Veto letter was sent to governor; not known if he will sign it.

b. HB 19-1034 (from 2/11 mtg.) - Pete Rickershauser discussed the bill and the fact that the bill was introduced without discussing with the Commission. HB 19-1034 now requires 2 members on a freight train while train is moving. Freight railroads are against the bill. Sara Cassidy noted that people are the most precious cargo carried by train. Current practice is to have 2 crew members in the cab; these are complex work agreements and having one state impose requirements would be a concern. Sara stated railroads’ highest priority is safety. The Class I railroads want flexibility to continue to operate as they do now. The State should stay out issues typically handled through collective bargaining agreements.

c. Proposed legislation for Colo. Rail Innovation Authority (from 2/11 mtg.) – Pete discussed the proposal by Bob Briggs and Rocky Mountain Rail to create a regional authority for rail service in eastern Colorado and Tennessee Pass. Randy indicated he believed that the legislation was not introduced; Andy Karsian confirmed it had not. The Commission agreed that this group should be invited to meet with the Commission, understand the Commission’s role, and describe their proposal. Randy will extend the invitation. Andy will try to speak with State Senator Pete Lee, who may have been the intended sponsor of the proposed legislation.

E. Southwest Chief and Amtrak Update

a. TIGER and CRISI Grant Status reports – David Krutsinger reported BNSF has provided requisite mapping needed for the environmental teams to get going on work related to TIGER 9 and CRISI grant applications. Meetings for the 2 separate projects are scheduled in next few weeks. Goal is to complete environmental assessment and agreement with FRA this summer so prepared for construction. Jim Souby asked if these 2 projects will qualify for Categorical Exclusions? David said they will. Pete noted

that since the federal TIGER 9 portion came back less than requested, we have to shrink the scope to fit available funds. We understand that CO and NM are discussing. BNSF has also discussed BUILD grant coming out later this year. BNSF is proposing "TIGER 10" to finish relay work and advance electrical work in NM, but can't finalize until scope of TIGER 9 is known. Pete noted that if we proceed with a TIGER 10 application, we need to consider a sponsor. The City of La Junta has sponsored in the past. Rick Klein has been talking about this topic with NM and Kansas, and Rick will continue trying to find a local community. Jim asked if the Commission were to be the sponsor, would we retain rural classification for the grant? David stated that the notice will come out mid-April and will be due mid-June. NM still has a legal challenge on matching funds used for non-public property.

The group noted with heavy hearts the death of Joe Boardman, former Amtrak CEO of Amtrak, and will send Amtrak a letter.

b. La Junta – Pueblo Through Car discussion. To open the discussion, Randy noted that this Commission has done a lot of work on the possibility of a through car, but has recently been on the back burner. Given the recent federal funding for the SW Chief, do Amtrak, BNSF, and the Commission think it would be appropriate to reengage this discussion? Rob: yes. Ray Lang noted that when the Commission was first created, the mission was to save the Southwest Chief and to reroute it to Pueblo. It was determined to be cost prohibitive to reroute through Pueblo, so one way to get service to Pueblo would be to run through cars from La Junta. On westbound trains, the through car would be uncoupled from the Southwest Chief at La Junta and run to Pueblo. In the eastbound direction, the car from Pueblo would be run to La Junta and coupled to the east bound Southwest Chief. The cars are called "through cars" because passengers do not have to change trains, their car would go all the way through. This system requires significantly less capital so Amtrak we looked at that as interim solution. However, the Commission ran into a brick wall when it was learned that PTC would be required on the through-car route. A call with FRA confirmed that PTC would be required between La Junta and Pueblo. Ray stated his opinion that a Pueblo reroute, though very expensive, would be ideal. A through car would build momentum, but better to find capital to reroute. Ray cautioned the Commission on the \$50 million appropriation, noting that it is earmarked for the sole use territory between Trinidad and Lamy, or it can be used to match federal grants. Amtrak has released \$3 million for TIGER 9 grants, and \$4.1 million for tie work in Raton subdivision. Amtrak will be talking to CO and NM about the best way to use the funds in the sole use territory. Pete noted that an Amtrak route from La Junta to Pueblo to Trinidad would require adding capacity because the BNSF network between Amarillo and Pueblo has 2 single track lines in parallel operated directionally, southbound via La Junta, northbound via Trinidad, requiring capacity for an Amtrak train running against the directional flow to meet and pass freight trains operating in the opposite direction and maintain its schedule. Terry Hart thanked Ray for the historical briefing and would very much like to keep this topic on the agenda to discuss the practical and financial challenges. Keeping it on the agenda allows us to put together a list of what we need to do, and Terry urged the Commission to continue this conversation. Jim asked about the measure Pueblo voters passed to provide significant funding. Terry confirmed that the money was authorized by Pueblo's citizens to try to get the Southwest Chief to Pueblo. It may be that the Pueblo money can attract other funding, possibly federal grants. Rob noted that equipment constraints would be a problem now, but Rob Eaton noted there should be equipment coming available in about 2 years. The Commission agreed to keep this on the agenda.

F. Communication Plan Sub-committee

a. Purpose of Committee: to keep communication at the top of our list to prepare for a future election.

b. Membership of Sub-committee: Bill Van Meter was not able to attend but volunteered for this Sub-committee. Jim, Jill, and Pete also volunteered. Following the meeting, Phil and Sal Pace also volunteered to be on this sub-committee.

c. Logo/Letterhead - Randy handed out examples of concepts for a Commission logo and asked for comments from the Commissioners. Jill agreed that although we have used CDOT's logo, on press

release as an example, we want our own. The Commissioners attending by phone could not see the examples and it was agreed not to finalize any decision today. Those present stated a preference for the mountain background of #1, the train of #2, and the simplicity of #3. The mountains could be revised to look more like the Front Range. Randy will send to all, get comments next week, and have the concepts revised.

d. Web Site – This could be a more powerful tool. Subcommittee to update content and suggest improvements. CDOT has webmaster and the Commission would provide content. CDOT will have to work with its IT group and determine exactly how that will work. This topic is a high priority and will remain on future agendas.

e. One-page “Commission Overview” document - Jim provided a one-page document used by ColoRail and the subcommittee will use this as a starting point.

f. Additional press release timing – in addition to one that went out 2 weeks ago about Randy’s hiring, CDOT’s Public Information office suggests a series of press releases to maintain the Commission’s momentum. Randy has received a request for an interview with a Greeley radio station. Randy has a 2-page list of speaking points. Additional press releases could be around: the website being updated, the RFP is released, and other milestones. The Commission agreed that multiple press releases (with new logo) would be desirable. Jill noted that it is our job to make other agencies and the public aware of our mission and why it’s important.

g. Future: Passenger Rail Day; Name Our Train – Randy noted that although Amtrak’s national Passenger Rail Day has been eliminated due to funding, the Commission could possibly create such a day in Colorado. Other possible ideas would be to start working with schools to get out our message, and maybe hold an event or a “Name the Train” contest to build momentum. Randy asked the Commission to keep thinking of ideas to increase the Commission’s visibility.

G. RFP Status

Randy met with Sharon Terranova and Brian Hartman about two weeks ago to mark up latest version. Shoshana Lew, CDOT Executive Director, was copied. Randy and David then met with Shoshana, who stated that she would like to have this RFP cover not only a service development plan (SDP), but a Tier I EIS as well. This makes it harder to issue the RFP in March. Randy found that Oklahoma and Arizona had recently done combined SDP and EIS documents. Randy now has created a draft Tier 1 EIS scope of work and needs review by people who know EISs. Shoshana said she wanted to see CDOT be involved in the preparation of both documents: a blended team, including consultants. Randy asked if the Commission wants to move forward on combining the two documents. It will slow down the process in the short term and we need a conversation to see which elements of the EIS could be performed by CDOT Environmental staff and what would we need consultant to do. Jim noted that including a Tier I EIS might not allow us to be prepared for a ballot measure referred by the 2020 legislature. Jacob Riger agreed but said that it appears we will not now be able to meet that timeline. Becky asked about the costs. Randy noted using a blended team would offset some costs but we only have \$1.5 million which is not enough for a SDP and Tier I EIS. Randy has a call in to Arizona to ask about their costs, and said that the CDOT Director indicated that she thought she could find more money, and in-kind staff support. Randy will send a link to the Arizona combined document to the Commissioners. Randy and David will also be talking to FRA in the near future and will also ask FRA if Arizona would be a good model document to follow. Phil Rico expressed concerns about not making the 2020 timeline. Since the earliest the Commission now can get a consultant online is June, we can’t complete the study in 2019 and then build up momentum for the 2020 ballot as previously planned. Randy noted that the CDOT Director and the Governor are discussing their plans for the 2020 ballot and we need to coordinate with them. The Commission might not want a Front Range Passenger Rail question on the ballot at the same time as another transportation question. Phil is concerned that we could lose Amtrak participation.

John Liosatos of PPACG noted that a Tier 1 EIS has to have lines on a map, which changes the conversation from just the concept to the location of the line. Jacob agreed. We have not so far put lines on a map and the SDP was meant to start answering questions such as what is the problem we are trying to solve? Would the line go through Denver? What technology would be used? It seems the SDP would be needed first in order to determine what you are analyzing in the EIS. John noted that one benefit of doing the two documents together would be that you have a Record of Decision and signoff from the federal agencies, and you have the federal agencies involved throughout the process. Randy noted that FRA definitely wants to be a partner early on in the process. Maybe the Commission could do a task order for the SDP first, and then once that has enough substance to it, you could start the EIS. John noted that if the Commission presents first the concept of Front Range Passenger Rail, everyone is likely to agree. Once specific locations are presented, the Commission is likely to get pushback. Jim noted that we originally weren't planning a full scale SDP, just a design corridor sufficient for the ballot question, which if passed would provide much more money for further studies, including an EIS – the intent was to stay simple and get the 2020 ballot measure passed.

Jacob noted that the existing RFP subcommittee can look at this (Becky, Jacob, Jim, Pete and Bill). Randy will send the latest version of the documents to the Commissioners – they are draft, and not for further circulation. Jacob said that we are in a different place than in 2017, and let's work together to find best path forward, since we have more support now.

H. Commission / CDOT – Roles / Authority discussion

a. Update Commission's Draft Charter – Randy noted some confusion on the roles and authorities of CDOT and the Commission, and recommended that the Commission look at its Charter approved in late 2017 to be sure roles and authorities of the Commission are clarified. Jill agreed that the Charter is the right place to make sure these roles are defined. Jacob noted that CDOT has done so much for the Commission, and the Commission is grateful for that. The setup is similar to the HPTE – the Commission is separate but related to CDOT. The Commission agreed to review, revise, and get signatures on the Charter. Randy will put this on the agenda for April and asked the group to review the current charter so we can discuss next month. Jim noted he would be happy to continue working on the Charter and appreciates Terry Hart's help. Provide comments on the Charter to Jim.

I. Project Director's 30/60/90 Day Plan

Randy previously distributed his 30/60/90-day plan to Commissioners for review and comment. Randy started February 19, 2019. He has already met with Pete and Jacob and wants to head north to meet with Becky and Dale Steenbergen, then south to meet Jill, Phil, Rick, Sal Pace and Terry. Randy wants to spend about half a day with each Commissioner. Rick noted that he would be glad to travel to Trinidad to meet with Randy along with Phil.

J. Pending studies of interest to Commission

Jacob noted that some ongoing Planning and Environmental Linkage (PEL) studies could impact what The Commission is trying to do. Sharon Terranova described the South 1-25 PEL study, which is a precursor to NEPA. The study is considering rail as transit mobility hubs are built. The Central I-25 PEL is also underway, which gets into area of Burnham Yard and potential for Front Range Passenger Rail. Sharon stated that CDOT is involved in these studies to be sure that rail is considered. Jacob mentioned that the I-25 Central PEL – Broadway to 20th – is now analyzing stage 2 alternatives and the Commission needs to ensure that future opportunities for passenger rail or other types of transit are not precluded. Other PELS are going on and DRCOG is trying to be as involved as possible to keep those overarching considerations. Jim noted that we agreed at previous meeting to invite I-25 Central PEL group to meet

with the Commission and that would still be a good idea. We are the state agency in charge of this and the PEL team needs to include the Commission. Randy recommended that we find a slot on agenda for them in a future meeting. Jacob agreed but added that the Central I-25 PEL team is very aware of rail and is talking with Shoshana on options in the Burnham Yard area. Sharon noted that the South I-25 PEL is analyzing 3 options for a Bustang station near Castle Rock and one of the criteria is that it could also serve as station for Front Range Passenger Rail. Jacob noted that our legislation named specific cities; Sharon confirmed that CDOT is looking at all of those cities for SB 267 funding.

K. Upcoming meetings of relevance for Commission

Randy and Jim are working to see if Shoshana Lew can attend upcoming ColoRail meeting. On April 2, Jim will be in DC for the Golden Spike Award to Senators Bennet and Gardner who helped with legislation on funding. Sal and Jim are attending a rally in Las Vegas, New Mexico on April 19 and will give a presentation related to the Commission's activities. Randy noted that David has donated one of his out-of-state travel authorizations to Randy to attend the APTA conference in June, which will be an excellent networking opportunity with Randy's peers from passenger rail organizations around North America.

L. Commission Staffing Update

Randy has decided he needs a planning assistant more than an administrative assistant, and will work with Personnel and Sharon Terranova to move job announcement forward as soon as possible.

M. Other Items

Sharon, in Bill Van Meter's absence, said "Happy 50th Birthday" to RTD.

N. Confirm Next Meeting – Date/Time/Location

Jill asked if the group wants to keep meeting the second Friday of the month, and the group agreed. Last month Bill Van Meter suggested holding every other meeting in Denver to coincide with TRAC meeting, and every other meeting outside Denver. Therefore, for the April meeting, Jill would like to host in Colorado Springs at Pike Peak Area Council of Governments. Jill might send out a press release to get media attention, and invite Senator Lee. Phil Rico wants to be sure that the public is invited so that no issues arise on public transparency. The meeting will be held April 12, 10 to noon. The next out-of-Denver meeting would be Friday June 14 and Becky will start looking into possibility of hosting in a North Front Range location.

M. Adjourn - Jill

The Commission meeting adjourned at 11:30.