

Southwest Chief and Front Range Passenger Rail Commission Draft Meeting Minutes

Friday, April 23rd, 2021
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	Pikes Peak Area Council of Governments	City of Colorado Springs	No
Chris Wiseman	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 – Vice Chair	Passenger Rail Advocate	Resident of Colorado Springs	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	Denver Regional Council of Governments	DRCOG	Yes
Jim Souby – Chair	Passenger Rail Advocate	ColoRail	Yes
Bill Van Meter	Regional Transportation District	RTD	Yes
Vacant	Colorado Department of Transportation	CDOT	
Rob Eaton*	Amtrak	Amtrak	No
Dale Steenbergen*	Cheyenne, Wyoming	Chamber of Commerce	Yes

*Non-Voting Members

Others: Spencer Dodge (SWC & FRPRC), David Singer (CDOT), Jane Donovan (Triunity), Bryan Robinson (WSP), Chris Rork (Sen. Hickenlooper), David Harris (NMDOT), Ed Sealover (Denver Business Journal), Dervis Cemal Akcicek (CDOT), Nathaniel Minor (Colorado Public Radio), Jon Murray (Denver Post), Kathleen Bracke (Boulder County), Debbie Wagner (Trinidad Legislative Consultant), John Maddox (KDOT), Mandy Whorton (Peak Consulting), Chelsea Gaylord (City of Colorado Springs), Carla Perez (HDR), Debra Baskett (City of Westminster), Shelley Cook (RTD), Chris Enright (CDOT), Jeff Schultz (David Evans and Associates, Inc), Melanie Monarco (WSP), Thomas Mason (Cheyenne MPO), Roberto Rey (AARP), John Liosatos (PPACG), Tara Burke (Iron Horse Architects), Max Haynes (Sen. Hickenlooper), Mary Fries (AARP), Dan Kline (WYDOT), Bob Johnston (Trains Magazine), Geoff Guthrie (CDOT), Michael Ricottone (Pueblo County), Brandon Wilson (El Paso County), Kathryn Wenger (PPACG), Randy Grauberger (Quandel Consultants), Holly Williams (El Paso County Commissioner), Greg Glischinski (AARP), Brain Hartman (CDOT), Mark Langley (AECOM), Kristin Kenyon (FTA), Jeff Dawson (CDOT), Aaron Lee (Quandel Consultants), Karen Stuart (CDOT Transportation Commission), Dominic Spaethling (HNTB), Lisa Streisfeld (CDOT), Reza Akhavan (HNTB), Jamie Grim (CDOT), Mary Shelton (Kimley-Horn), Deborah Mulvey (City of Castle Pines), Dana Gabbard (Rail Users' Network), Amber Leyba (Greater Cheyenne Chamber of Commerce), Myron Hora (WSP), Terry Hart,

A. Call to Order and Introductions – Jim Souby

Sal Pace called the meeting to order at 9:41 a.m. and proceeded with a roll call of the rail commissioners.

B. Review/Approval of March 26th Draft Commission Meeting Minutes – Jim Souby

Phil Rico made a motion to approve the March 26th Draft Meeting Minutes. Rick Klein seconded that motion, the motion passed unanimously.

C. Public Comment Period – Public

There were no public comments.

D. Staff Report – Spencer Dodge/David Singer

Spencer Dodge provided a high-level brief on the staff report that was distributed to the Rail Commission. Notable remarks included the acknowledgement that CDOT Executive Director Shoshana Lew and Rail Commission Chair Jim Souby had signed the MOU that expresses CDOT staff support for the upcoming CRISI Grants. Spencer provided a review of the various public involvement presentations that he has given over the last month. Rail Commission staff additionally assisted in developing messaging for an Amtrak Media Roundtable. Sal Pace further commented that Amtrak held a national press conference that was specifically focused on the Front Range corridor. Amtrak's interest is not contingent on any federal funding legislation that is upcoming.

During April, Spencer, Jim Souby, and Bill Van Meter began drafting a Cooperation Agreement to address the RTD Northwest Rail corridor. Rick Klein thanked Bill and the others for their work on this document and expressed his opinion that it was a big step in the overall project process. Phil Rico also expressed support for the document but asked about the recital section that mentions when the agreement will be revisited. Mayor Rico asked if the inclusion of the Southwest Chief re-route could be added. Sal Pace asked if there are significant edits that are anticipated and asked for a review of the document. Spencer responded that there are likely to be further additions, as this is just a first draft. Jim Souby stated that this document is a cooperative agreement that has no specific declarations or agreements on any particular issue, but lays out how the parties involved will approach issues. There is nothing explicitly stated in terms of what the parties are going to do, only identifying areas of shared study interests. There is no money involved. The agreement is simply to show a partnership in seeking to achieve mutual goals. Spencer clarified that the Rail Commission would still be reviewing and analyzing the 3 alternatives that were carried forward, in order to complete the necessary diligence before any NEPA Review. However, rail commission staff and RTD staff will both be looking at the Northwest Rail corridor, and it is important that they do so in a coordinated manner so that the planned operations and services are not so far divergent that they are unworkable. Bill Van Meter added that his sense of the RTD Board is that they will be supportive of the intent of this agreement. Bill anticipates their endorsement in June.

Sal Pace offered the following clarifying thoughts. The MOU is an agreement between the Rail Commission, RTD, and CDOT with the purpose of starting to explore the possibility of shared route usage on the Northwest Corridor (Denver to Boulder and Longmont). This route has long been in RTD's plans, is one of the three alternatives that the rail commission is looking at, and is the expressed potential route in Amtrak's future planning. When modeled, this route has the most ridership among the three alternatives. The theory here is that FRPR and RTD could potentially share tracks from Denver to Boulder and Longmont, with FRPR continuing north to Loveland and Fort Collins. Phil Rico reemphasized that there should be a distinction from the Northern Front Range and the Southern Front Range, and that distinction needs to be shown throughout the Rail Commission's work.

Rick Klein made a motion to accept the MOU between the Rail Commission, CDOT, and RTD to reach shared goals. Sal Pace seconded the motion with the caveat that if there are minor non-substantial edits, Jim Souby and Spencer Dodge have the ability to make those. Bill Van Meter stated that the first week of May is a good timeline to have a final document for the review of the RTD Board. David Singer added that timeline is consistent with CDOT's leadership review. Jacob Riger requested one change; due to the nature of the project and its location, Jacob has asked that DRCOG be included as a stakeholder. Jacob provided these specific edits to Bill and with these edits made, he supports the document. Rick Klein agreed with including DRCOG and didn't feel that was a substantial edit and believes agreement on this document is crucial before next Tuesday's SB21-238 Senate Hearing. Bill agreed that the inclusion of a line indicating DRCOG as a stakeholder is okay. Becky Karasko stated that she needs to abstain in this vote as the NFRMPO Council has yet to review the document. Among those voting, there were no negative votes and six yes's. As such, the motion to approve the MOU with the inclusion of DRCOG as an involved stakeholder/partner and the ability for Jim and Spencer to make non-substantial edits passed.

David Singer continued the staff report and mentioned that the Thru-Car Study is expected to receive a Notice to Proceed in the coming month. David mentioned that the CDOT team has been holding back so that they can put more hours towards the technical work included in the two CRISI Grants when those kick off. David also discussed technical collaboration and how technical staff are working to figure out how that work can complement the MOU.

E. Southwest Chief

Tiger IX Grant – Bill Craven

Bill Craven provided a report on the TIGER IX Grant. The BNSF work in Colorado and Kansas is complete and the Buy America waiver is still outstanding. The final design document is being completed before being sent to FRA. The final dispatching details between NMDOT and BNSF are being finalized. Brian Hartman commented that CDOT is still working with BNSF and Colfax County to finalize their agreement, he hopes that is completed in the next month.

2018 PTC CRISI Grant – Brian Hartman

Brian Hartman gave an update on the 2018 PTC Grant. Construction was scheduled to start in La Junta and move east this month. The construction starting in Dodge City and moving west is scheduled to start next month.

2019 CRISI Grant: Thru-Car Alternatives Analysis Update – Spencer Dodge

This grant has been discussed previously during David Singer's Staff Report and there was nothing more added.

2021 RAISE (BUILD) Grant Application

A grant application was submitted in 2020 for the completion of the replacement of bolted rail and installation of continuous welded rail, as well as other infrastructure improvements on the remaining 34 miles of track that carries the Southwest Chief. Previously, the rail commission had committed \$100,000 for the application. If that grant application is sought after again, \$100,000 is unlikely to be appropriate given the rail commission's current funding standing. John Maddox informed the rail commission that he has started the process within KDOT to see if any matching funds would be available. BNSF Railway has set aside \$5m for matching funds. Jim Souby noted that at the recent CDOT Transit and Rail Advisory Committee meeting CDOT confirmed that the Colorado \$1 million match from Senate Bill 267 was still set aside and available. Rick Klein made a motion for the Rail Commission to provide \$20,000 in matching funds for the 2021 RAISE Grant application. Phil Rico seconded that motion. The motion was approved unanimously.

F. Front Range Passenger Rail

2020 CRISI Grant: FRPR SDP and Rail Simulation Modeling Update – Spencer Dodge

Spencer Dodge provided a very quick update on the 2020 CRISI Grant. The FRA still has the Scope of Work in their hands for review, and comments are expected back at any time. There were no further updates.

Risk Register Follow-Up

Jeff Dawson presented on Risk Management and what the project team has identified as the most significant risks and opportunities. The purpose of this effort is to enhance probabilities of project success by utilizing Project Management techniques and best practices. The Project Team has looked risks and opportunities that face the FRPR project, as well as mitigation strategies to address those risks. The project team categorized the risks by type and timeline and composed a plan to address and mitigate those risks.

Jim Souby commented that this was an issue that DJ Mitchell had brought up for the commission to address. Jim continued by stating that this effort is crucial for the Rail Commission to be able to speak about for the public. Rick Klein thanked Jeff for the good work.

Jim Souby brought up the notion of alignments and commented that the Rail Commission has issued a major analysis on the alignments that are available for FRPR. Three alignments passed through the Alternatives Analysis. That analysis distinguished the BNSF Freight alignment as the one with the most advantages, in terms of ridership, and was comparable with the others in terms of cost. The notion that the RTD Northwest Alignment has been identified as the most important for the state, and the idea that the FRPR project is moving in the direction of that corridor. Jim suggested that the commission has arrived at the point where the BNSF Alignment is preferred but has yet to be determined to be favored. Jim reiterated that an appropriate NEPA review that looks at all options must still be completed. Declaring a favored route will address public concerns and confusion.

Sal Pace commented that another item not mentioned yet is the Economic Development Commission's approval of \$7.5m towards the Burnham Yard acquisition at the encouragement of several elected officials. With that acquisition, the opportunity for FRPR to enter downtown Denver becomes more possible. Specifically discussing the alignment north of Denver, there is an opportunity to address the political challenge of the yet to be completed RTD Northwest Rail. Sal Pace is supportive of a vote from the Rail Commission that says the BNSF right of way north of Denver, through Boulder and towards Boulder is the preferred route. Sal reiterated that the NEPA process will play out appropriately and all options will still be reviewed. Jim Souby commented that declaring a preference is not unusual for rail activities. Several other states have done this exact process. In conversations with the FRA staff, they have indicated that it is not inappropriate for the rail commission to express a preferred route. Becky Karasko asked if this decision needs to be made today as she would like to go to her council and ask if they have a preference without precluding other alignments, and get their backing before she votes. Becky suggested that it could come across that this alignment is predetermined and a recommendation might be better worded. Jim responded that it is important for elected officials and legislators to understand that the Rail Commission favors one alignment, and without that expression, legislation is going to be very difficult to pass. Federal requirements will all still need to be met. Jacob Riger commented that the DRCOG Board and region has never formally endorsed a particular alignment. That region is the one most affected by these three alignments. The DRCOG Board has never endorsed an alignment and as such, Jacob will need to abstain. Becky will also need to abstain. Phil Rico expressed his opinion that a vote should be taken today, especially with a Senate Hearing occurring in the next week.

Rick Klein made a motion to express the Rail Commission's recommendation that the BNSF Freight Rail Alignment north of Denver, through Boulder and on to Fort Collins as the preferred alignment, based on

the analysis to-date and without precluding any alternatives in future analysis. Sal Pace seconded this motion. Jacob Riger and Becky Karasko abstained from this vote, as their MPO/COG boards and councils have yet to approve this vote. Bill Van Meter abstained as the RTD's Board has yet to approve as well. DJ Mitchell and Nathan Anderson abstained from the vote as the Class 1's have conflicts of interest in recommending an alignment. There were no votes in opposition and five approval votes (Chris Wiseman, Rick Klein, Sal Pace, Phil Rico, and Jim Souby). As such, the voting members approved the motion.

G. Other Items

Transportation Commission Coordination Update – Jim Souby

Karen Stuart, Chair of the Transportation Commission, introduced her colleague Commissioner Kathleen Bracke of Boulder and informed the Rail Commission that they are looking at May 19th or 20th for a joint meeting between the two commissions.

Amtrak Update – Rob Eaton

Rob Eaton was unavailable for his monthly update. Jim Souby mentioned that Amtrak Executive Vice President for Planning and Asset Management Dennis Newman and Executive Vice President Chief Human Resources Officer Qiana Spain came to Denver on Monday to participate in a meeting hosted by BNSF Railway AVP DJ Mitchell to discuss Passenger rail operations at Denver Union Station. Other executives from BNSF and RTD attended as well as Jim Souby and Spencer Dodge. Former Commissioner Pete Rickershauser also attended. The meeting was very productive and a further indication of Amtrak's interest in Front Range passenger rail.

SB21-238/Other Legislative Updates – Andy Karsian and Sal Pace

Andy Karsian informed the Rail Commission that CDOT supports SB21-238 and Director Lew may be testifying in support, but at a high level. CDOT would like to see language included that indicates the new FRPR District Board would coordinate with the Transportation Commission. Sal Pace stated that CDOT's support is very important and indicative of this administration's support for FRPR. The draft bill has been distributed to the rail commissioners and recommendations were received and included in the introduced language. This legislation creates the mechanism for a new special district, not dissimilar from a water or conservation district that is a quasi-governmental agency for its specific purpose and will allow the project to move to its next phase. This district would be its own government entity with its own employees. Sal believes the timing for creating this district is right due to Amtrak's interest and the federal government's potential infrastructure funding. The bill has bipartisan support with the Senate President, Majority Leader, and other legislative leaders. There is a committee hearing in the next week and there will be in-person and virtual testimonies given. Sal suggested that the rail commission take a position of support for SB 21-238 with the understanding that there will be amendments to the current language. Sal Pace made a motion for the rail commission to take a supportive position of SB 21-238. Rick Klein seconded that motion. Becky Karasko, Bill Van Meter, and Jacob Riger abstained as their respective governing boards and commissions have yet to approve such a vote. DJ Mitchell and Nathan Anderson abstained as the Class 1 railroads are not in an appropriate position to influence public policy in this manner. The motion passed unanimously among the remaining voting commissioners.

H. Confirm Next/Future Meetings

The next Rail Commission meeting will be May 28th, 2021

I. Adjourn

Jim Souby adjourned the meeting at 11:19 a.m.