

Southwest Chief and Front Range Passenger Rail Commission

Draft Meeting Minutes

Friday, October 11th, 2019

10:00 a.m. – 12:00 p.m.

Public Works Administration Building, 2525 West First Street, Loveland, CO 80537

Call in 1-877-820-7831 passcode 418377#

COMMISSION MEMBERS IN ATTENDANCE:

Member Name	Member Role	Organization	Attendance
Jill Gaebler	Pikes Peak Area Council of Governments	City of Colorado Springs	Phone
Terry Hart	Pueblo Area Council of Governments	Pueblo County	No
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	Phone
Sal Pace	Passenger Rail Advocate	Resident of Pueblo	Phone
Pete Rickershauser	Class 1 Railroad Representative	BNSF Railway	Yes
Nathan Anderson	Class 1 Railroad Representative	Union Pacific	No
Phil Rico	South Central Council of Governments	Mayor of Trinidad	No
Jacob Riger	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
Robert Eaton*	Amtrak	Amtrak	Phone
Dale Steenbergen*	Cheyenne, Wyoming	Chamber of Commerce	Yes

*Non-Voting Members

Others On Phone: Tracey MacDonald (FTA), Lindsey Sousa (AECOM), John Liosatos (PPACG), Carla Perez (HDR), Eric Richardson (CDOT), Jesse Paul (Colorado Sun)

Others: Eric Rouse (HDR), Jennifer Webster (Blueprint Strategies), Mark Jackson (City of Loveland), David Flaherty (Magellan Strategies), David Singer (CDOT), Kathy Davis (Public), Jamie Grim (CDOT), Kathi Wright (City of Loveland), Jeffrey Dawson (CDOT), Erik Sabina (CDOT), Dave Klockeman (City of Loveland), Brian Hartman (CDOT), Ruth MacDonald (Public), Alex Gordon (NFRMPO), Will Karspeck (City of Berthoud), Alan Krcmarik (City of Loveland), Jim Manual (Public), Bob Dole (Public), Janis Dole (Public), Bill Becker (Loveland Chamber)

A. Call to Order and Introductions – Jacob Riger

The meeting was called to order at 10:10 and Jacob Riger asked all in attendance and on the phone to introduce themselves. Jacob thanked the City of Loveland for hosting the meeting, as well as the entire Northern Colorado region for the opportunity. Additionally, City Councilman Dave Clark and Councilwoman Kathi Wright were acknowledged and thanked. Councilwoman Wright stated that she wants to be a champion for Front Range Passenger Rail, had attended the ColoRail meeting in Fort Collins in September and was impressed by individuals working on the project. Councilman Clark, who also serves as the Vice Chair for NFRMPO, stated that he was excited to see the progress. Randy Grauberger has presented to the NFRMPO Board and they have been able to stay up to date. Councilman Clark also mentioned that the viability of Front Range Passenger Rail is based in the cost, and that he was looking at those questions particularly.

B. Review/Approval of September 13th Draft Meeting Minutes – Jacob Riger

Jacob asked if there were any questions or concerns regarding the September 13th Draft Meeting Minutes. There were no questions or concerns. Rick Klein made a motion to approve the minutes, Pete Rickershauser seconded that motion. The motion to accept the September 13th Draft Commission Meeting Minutes was passed unanimously; Bill Van Meter abstained from voting due to his absence at the September 13th meeting.

C. Public Comment Period – Public

There were no public comments.

D. Project Director's Report – Randy Grauberger

Randy Grauberger presented his Project Director's Report that outlined activities and actions taken by Commission staff since the September 13th Commission Meeting.

Commissioners Jacob Riger, Terry Hart, Pete Rickershauser, and David Krutsinger presented to the Transportation Legislation Review Committee (TLRC) on September 16th. This was the first time that the Commission has been in front of the legislature in a couple years.

Randy attended the American Association of State Highway and Transportation Officials (AASHTO) Council on Rail Transportation in Hartford, CT during the week of September 16th and presented on a panel regarding Emerging Passenger Rail corridors. Randy, and the Commission, were invited to join the States for Passenger Rail Coalition. This coalition is a group of 19 states and 4 passenger rail authorities who work together to support the development and growth of intercity passenger rail service in America. In the past, David Krutsinger didn't think the Commission was far enough along the process to join the Coalition but agrees that now is an appropriate time. Randy and David K recommended that the Commission join the Coalition. It is \$5,000 for the Commission to join. An information sheet was included in the Commission meeting materials packet.

ACTION ITEM: Include joining the States for Passenger Rail Coalition on the November 8th Commission Meeting Agenda.

A meeting to begin Front Range Passenger Rail coordination efforts among federal agencies has been scheduled for October 21st. Agencies include Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and the Federal Railroad Administration (FRA).

Over the last month, Commission staff have worked hard to bring RBI Research and Strategies and Magellan Strategies under contract for a public information survey. Staff worked on developing a survey and presenting that at the Commission meeting.

WSP was brought under contract to develop a 2019 CRISI Grant application for a Southwest Chief Thru-Car Service to Colorado Springs Feasibility Study.

Commission staff, with consultants, are working to kick off the Stakeholder Segment Coalitions. The Segment Coalitions will be meeting 11/12, 11/13, 11/14, or 11/19.

E. Southwest Chief

2019 CRISI Grant Application – Randy Graubeger

The CRISI Grant application for the Southwest Chief Thru-Car Service to Colorado Springs Feasibility Study is due on October 18th. The application is requesting \$225,000 from the federal government; the grant application requires at least a 50% match of non-federal funds. Amtrak has declined to match any funding. USDOT has indicated that Amtrak funds are considered federal funds; thus, Amtrak matching funds are considered detrimental to the application. Amtrak representatives suggested that they would provide ridership data from Pueblo to Colorado Springs, an in-kind match. The City of La Junta had pledged \$5,000 and ColoRail had pledged \$1,000. Colorado Springs and Pueblo County had been approached regarding matching funds, but no decision had been reached. Pete Rickershauser stated that BNSF staff were still reviewing some sections, particularly given that there is language in the draft application indicating BNSF would be doing modeling. Union Pacific had not responded to any inquiries on matching or participation. Mickey Ferrell has submitted a draft Letter of Support to Senators Michael Bennett and Cory Gardner, as well as Congressmen Doug Lamborn, Scott Tipton, and Ken Buck.

Representatives from Pueblo and Colorado Springs were asked to comment on potential matching funds. Neither John Liosatos and Jill Gaebler had an update on funds from Colorado Springs. Jill and John will work to secure matching funds by Wednesday, October 16th.

It is assumed that the Commission would be asked to provide the remaining matching funds. At the time of this meeting, that ask would be at least \$219,00. There is ~\$400,000 in the Commission budget for this purpose, but there is hope that Colorado Springs and Pueblo County would be able to reduce that need.

Pete Rickershauser mentioned two points. First, the CRISI Grant Application was being submitted as a partnership with the Commission, Amtrak, and CDOT. Second, there is a full room of individuals who presumably support passenger rail along the Front Range. While the Southwest Chief line is geographically distant from the City of Loveland, it is a key component of a future Front Range Passenger Rail system. Letters of support from those in attendance would be welcome and beneficial. Commission staff have a template for letters of support that can be used.

David Krutsinger stated that CDOT would be sending a letter of support, as well as possibly providing a match in the neighborhood of \$50,000.

Rick Klein made a motion to have the Commission backfill whatever additional matching funds were necessary, without exceeding \$219,000. Jim Souby seconded that motion; Commissioners voted unanimously to approve the motion to use Commission funds to match federal grant money up to \$219,000.

TIGER IX and 2018 CRISI PTC Grants – David Krutsinger

Bill Craven, NMDOT, stated that they were waiting for the Federal Railroad Administration (FRA) to sign letters to formally request consultation from the State Historic Preservation Office (SHPO) and Tribes in New Mexico. Once the letters have been sent, there is a 45-day review process for SHPO and for Tribal consultation. When this is finalized, the final environmental work can be done. An issue with Section 106 began in May or June; FRA did not agree that a letter of consultation would be required. However, this decision was reversed around Labor Day, FRA requested multiple revisions and a final version is now with FRA. FRA requires consultation on historic and tribal properties; FRA needs to initiate those conversations.

There is one section of the work to be done in New Mexico that did not fall under Section 106 review rules. That issue is holding up the environmental work to be done. KDOT and CDOT both have their materials submitted and are waiting on SHPO and Tribal consultation from NMDOT.

CDOT and KDOT are working with FRA to install an advanced Positive Train Control (PTC) system through western Kansas and eastern Colorado with the funding received from the 2019 CRISI Grant. Upon completion, this will enable a continuous stretch of PTC from Chicago to La Junta. KDOT and CDOT need an agreement on water quality “best practice” measures that will be used and reported to FRA, particularly the mitigation of silt potentially seeping into the Arkansas River which is adjacent to the BNSF tracks.

F. Front Range Passenger Rail

SDP/NEPA Update – David Singer

David Singer, CDOT, provided the Commission with an update on the SDP/pre-NEPA work that has been initiated. A meeting between FRA, FHWA, and FTA has been scheduled for October 21 to begin a coordination effort between these federal agencies. This project is aligned with the new federal streamlining effort, One Federal Decision, and is acknowledging the importance of federal compliance. Project staff have been in communication with the three federal agencies. However, the coming agency coordination meeting on October 21 will provide an opportunity to detail the roles and responsibilities, methods of endorsement, issue resolution, meeting schedule, and other aspects. While the majority of that conversation will relate to the process, some substance will be introduced as well. The Draft Purpose statement will be provided to the agency representatives for review. The Purpose Statement is a legal item that the federal agencies will ultimately endorse. The statement represents high-level themes, discussing items such as safe and reliable service, capacity, and travel options. The statement is currently in draft form, and will remain a dynamic statement as the project enters NEPA. Formed using input gathered during workshops, past studies, and work sessions, the Purpose Statement is focused on transportation needs.

The needs that are expressed in the Purpose and Need Statement help differentiate alternatives. Each of the needs will need to be proven, and measures for that will need to be developed. An example of a need is the projected population growth. There is a clear transportation demand based on that; specifically, the population growth establishes logical termini for the corridor between Fort Collins and Pueblo.

Governance – Eric Rouse and Jennifer Webster

Eric Rouse, HDR, and Jennifer Webster, BluePrint Strategies, presented the four governance options that were suggested to the Commission and asked for feedback. Equally important as SDP/Pre-NEPA work is establishing a structure that creates buy-in. This conversation was focused on how the governance would look and not so much how a governance structure operates. The “how” is specifically related to how funding would look. Guidance from the Commission on which option to advance is needed before December. Bill titles are due in December; each legislator is allowed five bills. There are legislators who have begun to think about possible bill sponsorship.

Eric and Jennifer presented a spreadsheet that outlined the governance options. Columns in the spreadsheet identified items such as the legal authorization, formation, the kind of governing body, and other powers. Commissioners were asked to look at this document through three lenses: 1) funding mechanics and the operations, 2) operational tools like eminent domain, and 3) district boundaries in terms of how the district itself looks.

The first option, a public rail authority, creates a statewide tool to move forward with the creation of a local authority. This first sets up a statewide authority, which can then be used to establish a Front Range authority. Local entities would work through local issues and come to a decision. A contractual agreement would be reached and approved by the Department of Local Affairs. This would likely NOT lead to a referred ballot measure in 2020.

The second option is similar to the first. However, this would be a one-step approach that establishes the Front Range Passenger Rail Authority right away. Each of the columns on the spreadsheet would need to be defined before the legislative session. The first option allows for more flexibility.

The third option was the creation of a Rail Enterprise, similar to the High-Performance Transportation Enterprise (HPTE) or the Bridge Enterprise, which would mirror legislation to allow for the creation of a rail enterprise. Only 10% of the revenue of an enterprise could come from federal, state, or local funds. An enterprise could set fees, similar to highway tolls. The powers would be the same as local jurisdictions. This option can be done entirely through the legislature without the need of a referred ballot measure. Rick Klein and Jim Souby both expressed reservations regarding the enterprise option, primarily due to the restriction on no more than 10% of funding coming from federal sources. Jim asked if it was appropriate at this meeting to eliminate an option. Jacob Riger believed it to be appropriate and emphasized that those Commissioners who represented multiple entities would want to take something that is a valid potentiality for review.

The final option would be maintaining and expansion of the existing Commission and its powers. This option is a recognition of the timing of a ballot measure. This would broaden the Commission’s scope and show the public continuity and momentum. Jacob Riger asked if this would require annual appropriation; based on the current legislation the Commission doesn’t have a dedicated funding source outside of appropriations.

Sal Pace reiterated that funding and governance are two different conversations, it is possible to have governance that resembles the current Commission and membership while also going to the voters for funding. Sal presented an idea of running a governance bill in 2020 that rolls the Commission into another authority. That bill would have a trigger that would enable a funding measure for the 2021 ballot. Sal’s concept has that trigger as a final report containing alignment, station locations, technology, speed, and other SDP elements. Jim Souby asked if the legislature could pass a referral that encompasses two years; it was noted that they can.

Jim Souby made a motion to eliminate the Rail Enterprise option (Option #3) from further consideration, Sal Pace seconded that motion. Jim mentioned that CalTrans operates in a similar fashion, requiring that they go back to the legislature every year for funding. CalTrans recommended to Jim that the Commission avoid this. David Krutsinger, a non-voting member, suggested leaving the enterprise option as a consideration to take to the public. As a representative body of the public, there is value in transparency and receiving input on all options. Jill Gaebler agreed with this point. Jim Souby rescinded his motion, Sal Pace rescinded his second. Pete Rickershauser suggested that language be included in materials that shows the Commission's higher levels of support for the Public Rail Authority and Front Range Passenger Rail Authority options, while also indicating that the Enterprise option was not supported.

MetroQuest Survey Report – Spencer Dodge

Randy Grauberger thanked everyone who completed a survey and mentioned that there would be future surveys that are similar in nature. Spencer Dodge presented a few key findings from the survey results. Those included:

- 6,965 total respondents over the course of 71 days; July 22nd—September 30th, 2019.
- 95% of respondents believe that passenger rail service could help address transportation needs along the Front Range.
- 93% support establishing passenger rail between at least Fort Collins and Pueblo.
- 92% would be interested in using the service if it were available.

Wyoming DOT Letter – Dale Steenbergen

Dale Steenbergen reviewed a letter that had been sent from WYDOT Director Luke Reiner to CDOT Director Shoshana Lew. The correspondence stemmed from a meeting that the directors had to talk about and cooperate on Front Range Passenger Rail. WYDOT would like the opportunity to be involved with planning efforts, and examine the feasibility of connecting Wyoming with the Front Range corridor. Wyoming is concerned that, if they are not included now, the 4-5 years it would take to further study the connection could turn into much longer. The initial ask is for an estimate on the cost of expanding the study limits from Fort Collins to Cheyenne, Wyoming. The representatives from Wyoming including Dale and Dan Kline, WYDOT, expressed a willingness from Wyoming entities to fund the extension on the study.

Jacob Riger expressed the value that the Commission places on the connection to Wyoming, and asked if, finances withstanding, the Commission was willing to make a motion of support for this effort. Bill Van Meter made this motion, Pete Rickershauser seconded. The Commission approved this motion unanimously.

ACTION ITEM: Randy Grauberger will work with Steve Long to develop a “ballpark” estimate on an extension of the current study to include Front Range Passenger Rail Service to include Cheyenne, Wyoming.

Public Survey – David Flaherty

Randy Grauberger first thanked Spencer Dodge for his work on this project. With a short deadline, getting this survey done was a challenge.

David Flaherty, Magellan Strategies, presented on a public survey that the Commission requested at the September meeting. Rick Ridder and Joannie Braden of RBI Strategies were also involved in this effort. The survey was just completed from October 4th – October 8th across the 13 Front Range counties, with 600 participants. The survey was intended to measure very high-level, broad concepts and measurements among registered voters in the likely corridor. The results were weighted to likely 2020 voters. Counties were segmented into a North (Larimer, Weld, and Boulder), Central (Broomfield, Adams, Denver, Arapahoe, Jefferson, and Douglas), and South (El Paso, Pueblo, Huerfano, and Las Animas) region. The survey did not use ballot language; the intent was just to measure general sentiments. High-level results include:

- 85% total support (10% total oppose) for the use of passenger rail service as a mode of transportation for residents and communities along the Front Range.
- 81% total support (12% total oppose) for a Front Range Passenger Rail service project that would have regularly scheduled train service to major population centers from Fort Collins to Pueblo.
- 61% total support (27% total oppose) for a sales tax increase to fund a Front Range Passenger Rail Service project that would have regularly scheduled train service to major population centers from Fort Collins down to Pueblo with an estimated cost of five billion dollars.

Sal Pace asked how long Magellan and RBI have been doing surveys in Colorado and where this survey places among past surveys. David has been doing surveys for 13 years and done over 250 of these. The support levels for Front Range Passenger Rail are very good and this registers as something different and noticeable. David warned, however, to not be complacent with this. Details of the proposed project will be crucial to maintain and grow support.

G. Future Business

Federal Reauthorization – Jim Souby

Jim Souby presented an update on Federal Reauthorization. There are a lot of other conversations occurring in DC at this time, and as a result this legislation is not moving. Surface Transportation Reauthorization expires next September. If that occurs, the gas tax will go away. All parties involved would like to see an infrastructure bill. Nothing has been introduced, however. Pete Rickershauser asked Rob Eaton if he had any thoughts or comments from the perspective of Amtrak. Rob stated that Amtrak's federal representatives are putting together a package that relates to their 5-year strategy and future funding. They are also looking at a safety bill to incorporate all the broad aspects of rail safety into reauthorization.

Commission Charter Adoption – Randy Grauberger

Jacob Riger requested that this item be moved to next month's agenda.

H. Other Items

Commission/CDOT MOU

Randy Grauberger discussed conversations between CDOT and the blended team on a MOU that has been drafted. A final version is undergoing one last review, reviewed by the Attorney General's office, and is planned on being distributed in the next meeting's materials. Commissioners are asked to take some time and review the document when it is received.

I. Confirm Next/Future Meetings

November 8th, Denver – Jacob Riger

December 13th, South Front Range – Jacob Riger

J. Adjourn – Jacob Riger

Meeting adjourned at 11:50.

Action Items

Date Assigned	Task	Assignee	Deadline	Completed
10/11/2019	Randy Grauberger will work with Steve Long to develop a “ballpark” estimate on an extension of the current study to include Front Range Passenger Rail Service to include Cheyenne, Wyoming.	Randy Grauberger, Steve Long	11/08/2019	Ongoing
10/11/2019	Include joining the States for Passenger Rail Coalition on the November 8th Commission Meeting Agenda.	Commission Staff	11/8/2019	Ongoing
09/13/2019	Commission staff will work with a Commission sub-committee to get a consultant under contract for a public survey.	Jim Souby, Jill Gaebler, Sal Pace, Randy Grauberger, Spencer Dodge	10/11/2019	
09/13/2019	Commissioners are asked to send contact information to consultants for individuals that they speak with in regards to Front Range Passenger Rail.	All Commissioners	Ongoing	Ongoing
8/9/2019	Commissioners are to review the draft Commission Charter and provide comments/edits to Spencer Dodge. Special notice should be applied to the reference section.	All Commissioners; Spencer Dodge	8/23/2019	Completed; to be approved for signatures at October meeting
8/9/2019	Commissioners are to provide comments and	All Commissioners; Spencer Dodge	8/23/2019	Work in Progress

	<p>edits to Spencer Dodge on promotional materials (one pager and tri-fold brochure).</p>			
8/9/2019	<p>Consultants will provide the Commission with a simplified version of the Stakeholder Engagement and Public Involvement plan; including how much involvement will occur with the general public, the time frame and schedule, and a list of possible stakeholders.</p>	Consultant Team	9/4/2019	Completed
8/9/2019	<p>Commission staff will monitor anticipated CRISI grant opportunities, and when available, prepare recommendations as to what purposes and projects the Commission should apply for funding.</p>	Commission Staff	<i>When Appropriate</i>	Application development underway