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***DRAFT -SOUTHWEST CHIEF AND FRONT RANGE  
PASSENGER RAIL COMMISSION CHARTER***

***Version <1.2>***

***October 2017***

## VERSION HISTORY

<b>Version #</b>	<b>Implemented By</b>	<b>Revision Date</b>	<b>Approved By</b>	<b>Approval Date</b>	<b>Reason</b>
1.0	Jim Souby	8/23/2017			First draft
1.1	Pete Rickershauser	8/25/17			Comments
1.2	Jim Souby	10/1/2017			Review draft

UP Template Version: 11/30/06

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# 1 INTRODUCTION

## 1.1 Purpose of Program Charter

The Southwest Chief & Front Range Passenger Rail Commission (Commission) Charter documents the information and procedures necessary for the Commissioners and Colorado Department of Transportation (CDOT) support personnel to carry out the legislatively directed mission set forth in Senate Bill 17-153. The intended audience includes the Commissioners and CDOT support personnel. The Charter is a public document.

## 1.2 Project and Program Overview

The Commission is charged with two mission elements:

- Continuation of the existing efforts to improve and expand Amtrak's Southwest Chief route in Colorado, including upgrades to rail on the existing route and extending service to Pueblo and assessing possible service to Walsenburg; and,
- Facilitating the development of Front Range passenger rail in the I-25 corridor

Eleven voting members and two non-voting members comprise the Commission. CDOT supporting personnel include staff of the Division of Transit and Rail. The Commissioners represent Front Range Councils of Governments/Metropolitan Planning Organizations, national freight and passenger railroad companies operating in the corridor (BNSF Railway, Union Pacific Railroad and Amtrak), a person representing Huerfano, Otero, Prowers and Las Animas Counties, CDOT, Denver Regional Transportation District (RTD), and two advocates for passenger rail in Colorado. Representation is expected to change over time. Six Commissioners are appointed by the regional planning organizations they represent. Five are appointed to terms by the Governors. See Appendix C for the members of the Commission

The Commission legislation has no statutory sunset date which exemplifies the long-range nature of its mission. Other than roll over funding from the prior Southwest Chief Commission, the Commission has no immediate funding, but does have the authority to raise and expend funds from any legal source to carry out its mission.

## 2 Scope

### 2.1 Objectives

2.1.a The objectives of the Commission for the long-term viable operation of the Southwest Chief include:

- Continuing the mission of the Southwest Chief Rail Line Economic Development, Rural Tourism, and Infrastructure Repair and Maintenance Commission to coordinate and oversee efforts by the State and local governments and cooperate with the states of Kansas and New Mexico, Amtrak and the BNSF Railway to ensure that the track repairs and upgrades required for the continuation of the existing Southwest Chief rail service in Colorado are completed,

- That such service is extended to Pueblo, and
- That the benefits of extending such service to Walsenburg are fully explored.

2.1.b The objectives of the Commission for Front Range Passenger Rail include:

- To facilitate the future of Front Range Passenger Rail and, in doing so, to specifically develop draft legislation to facilitate the development of a Front Range passenger rail system that provides passenger rail service in and along the Interstate 25 corridor and that is a component of a well-integrated, modern, efficient, and cost-effective multimodal transportation system
- Determine need and prerequisites for Front range passenger rail and create a plan and timeline for their achievement
- Enlist the support of the public and elected leaders
- Develop a conceptualized governance and operating plan
- Draft and submit proposed Interim legislation by December 1, 2017
- Consult with concerned local, state and federal agencies
- Further define the service concept
- Oversee Tier 1 EIS (Southern segment) and service development plan
- Seek legislation to create the actual Front Range rail governance entity (note: this objective could be undertaken earlier or later, after a timeline for the objectives has been set)

## 2.2 High-Level Requirements

The following list presents the requirements that the Commission must meet in order for the project objectives to be satisfied.

- Southwest Chief
  - In conjunction with other stakeholders, complete required track repairs and other upgrades to ensure continuation of Southwest Chief rail service in Colorado;
  - Extend Southwest Chief rail service to Pueblo; and –
  - Fully explore the benefits of extending Southwest Chief rail service to Walsenburg.
- Front Range Passenger Rail System in and along the I-25 Corridor
  - Develop draft legislation to facilitate development of a Front Range passenger rail system, to be presented to the Local Government Committee of the House of Representatives and the Senate no later than December 1, 2017.
  - Elements of developing legislation to facilitate development of a Front Range passenger rail system Include, but are not limited to,

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- Publicly supported plan for front range passenger rail
- Federal, State, Local and private funds to support objectives
- Federal Railway Administration (FRA) accepted funding application(s)
- Federally accepted Tier I EIS for the southern front range segment
- Federally accepted Service Development Plan for front range passenger rail

## 2.3 Major Deliverables in the First Year

- Southwest Chief
  - Grant funding application for a TIGER grant for track repairs and upgrades to the existing Southwest Chief route across Colorado and neighboring states.
  - Implementation plan including funding sources to implement extension of Southwest Chief service to Pueblo
  - Completion of a feasibility study to extend Southwest Chief service to Walsenburg.
- Front Range Passenger Rail
  - Required legislation for the Colorado General Assembly by December 1, 2017
  - Initial Project Plan

## 2.4 Boundaries

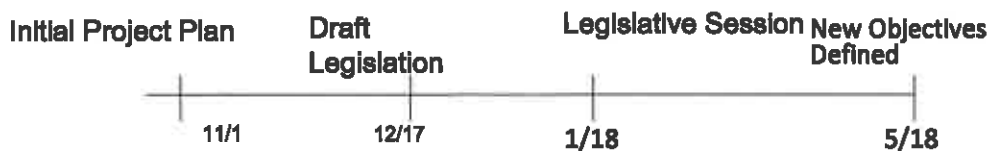
The geographic jurisdiction of the Commission was not defined in the legislation establishing the Commission beyond the Amtrak Southwest Chief route and I-25 Corridor and Front Range communities named in the legislation.

The Commission will need to determine if any specific boundaries related to developing and managing future passenger rail service in the Front Range and possibly the Southwest Chief route are necessary. If so the Commission will have to propose that a special district be created.

## 3 Duration

The Commission has no specific legislative deadline beyond the requirement for draft legislation December 1, 2017. Because public and private rail transportation projects are of long duration it is expected the commission will remain active for the foreseeable future.

### 3.1 Timeline



## 4 Program Organization

### 4.1 Governance Philosophy

At the first meeting of the Commission, it was agreed that the deliberations of the Commission shall be conducted by consensus whenever possible. In this regard, the governance philosophy of the Commission will be one of trust, goodwill and civic mindedness between Commissioners and with stakeholders. Only when a disagreement arises, when an amendment to this charter is proposed, when a financial matter is decided or when the chair deems a formal record of a decision should be made shall a voice or roll call vote be taken. Any Commissioner may call for a voice or roll call vote.

Deliberations of the Commission shall be conducted in compliance with the State of Colorado Sunshine and Ethics in Government requirements. Meetings shall be open to the public and public comments shall be accepted.

### 4.2 Roles and responsibilities

<b>Name &amp; Organization</b>	<b>Project Role</b>	<b>Project Responsibilities</b>
Sal Pace, Pueblo County	Interim Chairperson	Person who has the authority to lead the decision-making process and ensures the Commission performs the work request by the State Legislature as directed in SB 17-153 and further is responsible to direct the work of the Commission to result in a Commission Report to the State Legislature.
Jacob Riger, DRCOG	Vice Chairperson	Person who supports the work of the Chairperson and performs the duties in the absence of the Chairperson.
Mark Imhoff, CDOT	CDOT Support	Maintains the administrative record of the Commission, provides technical support.
Rick Klein, City of La Junta	Committee Chair – Southwest Chief	Chairperson of a technical committee responsible for the development and execution of a work plan(s) regarding the committee assignment in support of the overall objectives of the Commission.
Jacob Riger, DRCOG	Committee Chair – Front-Range Passenger Rail	Chairperson of a technical committee responsible for the development and execution of a work plan(s) regarding the committee assignment in support of the overall objectives of the Commission.
Jim Souby ColoRail	Governance rep	Draft a Charter for review and approval of the Commission
<Name>	Program Manager	Anticipated paid staff person responsible for

Name & Organization	Project Role	Project Responsibilities
		management of the Commission's activities.

### 4.3 Electronic Communications

The Commission may rely on electronic communications to conduct its deliberations between meetings. In this regard, the Chair may seek decisions by email votes of the Commissioners. While not preferred, participation in meetings of the Commission by telephone will be available to Commissioners who cannot attend meetings in person.

### 4.4 Amendments to the Charter

Amendments to the Charter may be proposed by any Commissioner at a regularly scheduled meeting. Amendments must be adopted by a majority of the Commissioners (6 or more voting members).

### 4.5 Stakeholders (Internal and External)

Communications with civic leaders and the general public will be important to the success of the Commission. In that regard, meetings of the Commission will be open to the public and public comments will be accepted. An ongoing outreach effort to stakeholders will be undertaken including the following:

- Internal Stakeholders
  - Local Government Organizations/representatives named in the legislation or appointed by the Governor
  - Freight Rail Companies named (UP, BNSF)
  - Amtrak
  - State government organizations named in legislation (CDOT)
  - Advocates appointed by the Governor
- External Stakeholders
  - Concerned local governments and civic organizations
  - Rail advocates



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- **Tourism organizations**
- **Colorado economic development organizations**
- **The business community**
- **Concerned and impacted short line freight railroads**
- **Media**

## Charter approval

The undersigned acknowledge they have reviewed the project charter for the Southwest Chief & Front Range Passenger Rail Commission. Changes to this program/project charter will be coordinated with and approved by the undersigned or their designated representatives.

<b>Signature</b>		<b>Signature</b>	
<b>Print Name</b>	<b>Date</b>	<b>Print Name</b>	<b>Date</b>
<b>Title</b>		<b>Title</b>	
<b>Role</b>		<b>Role</b>	
<b>Signature</b>		<b>Signature</b>	
<b>Print Name</b>	<b>Date</b>	<b>Print Name</b>	<b>Date</b>
<b>Title</b>		<b>Title</b>	
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<b>Title</b>		<b>Title</b>	
<b>Role</b>		<b>Role</b>	
<b>Signature</b>			
<b>Print Name</b>	<b>Date</b>		
<b>Title</b>			
<b>Role</b>			

## APPENDIX A: REFERENCES

### State Guidance and Resources:

*Ethics Handbook*, 3<sup>rd</sup> ed., 2016, Colorado Independent Ethics Commission

(This reference was provided to each commissioner upon appointment)

*Sunshine Laws, Guide to Colorado's Open Meetings & Open Records Law*, Colorado Freedom of Information Coalition, et.al. Revised, May 2015

(This reference was provided to each commissioner upon appointment)

Advanced Guideway System Feasibility Study (AGS) (I-70 Mountain Corridor, DIA to Eagle County Airport) (2012-2014)

General: <https://www.codot.gov/projects/AGSstudy>

Final Report: <https://www.codot.gov/projects/AGSstudy/final-ags-feasibility-study>

Interregional Connectivity Study (ICS) (I-25 Front Range Corridor, Fort Collins to Pueblo) (2012-2014 and 2016-2017)

General: <https://www.codot.gov/projects/ICS>

Final Report: <https://www.codot.gov/projects/ICS/lcs-draft-report-january-2014>

(It says draft because there is one final piece of work just about to be posted for the 2016-2017 work)

North I-25 EIS Commuter Rail Update:

General: <https://www.codot.gov/projects/north-i-25-eis/north-i25-commuter-rail-update>

Final Report: <https://www.codot.gov/projects/north-i-25-eis/north-i25-commuter-rail-update/north-i-25-commuter-rail-update-final-report>

State Freight & Passenger Rail Plan (2012)

General: <https://www.codot.gov/projects/PassengerFreightRailPlan>

Final Report: <https://www.codot.gov/projects/PassengerFreightRailPlan/SPRP-Final>

Rocky Mountain Rail Authority (RMRA) (Precursor Study to ICS) (2007-2010)

General: <http://rockymountainrail.org/>

Final Report: [http://rockymountainrail.org/RMRA\\_Final\\_Report.html](http://rockymountainrail.org/RMRA_Final_Report.html)

State of Ohio Commuter Rail Checklist

<https://www.dot.state.oh.us/Divisions/Rail/Programs/StatewideRailPlan/Documents/Appendix%20B%20-%20Commuter%20Rail%20Checklist.pdf>

Rail Governance Study, CDOT 2008: [www:](http://www.cdot.state.co.us/rail/governance/)

### **Federal Guidance and Resources:**

FRA Railroad Corridor Transportation Plans, a Guidance Manual,

<https://www.fra.dot.gov/eLib/Details/L04161>

Note: The National Environmental Policy Act (42 U.S.C. 4321-4347) is the "mother" of all the subsequent links and how NEPA is carried out by the FHWA, FRA, FTA under the USDOT.

Tiered EIS legal structure. Although this is a bit more FHWA centric, it is a decent explanation of the structure for any "tiered" EIS

[http://onlinenpubs.trb.org/onlinenpubs/nchrp/docs/NCHRP25-25\(38\)\\_FR.pdf](http://onlinenpubs.trb.org/onlinenpubs/nchrp/docs/NCHRP25-25(38)_FR.pdf)

FRA Final Rule...This is more complex language, but is FRA specific.

<https://www.fra.dot.gov/eLib/details/L02561>

Further examples of actual EIS's under FRA jurisdiction

<https://www.fra.dot.gov/Page/P0720> Tuscon-Phoenix Tier 1 EIS

<https://www.fra.dot.gov/Page/P0624> Minneapolis-Duluth EA-EIS process

<https://www.fra.dot.gov/Page/P0657> Atlanta-Charlotte Tier 1 EIS

FTA Environmental Review Process...depending on what is proposed to be built, this might be the agency with jurisdiction

<https://www.fra.dot.gov/eLib/details/L02561>

### **Front Range Regional Transportation Plans:**

Metro Vision (regional vision plan):

[https://drcog.org/sites/drcog/files/resources/Metro Vision Jan 18 2017 FINAL.pdf](https://drcog.org/sites/drcog/files/resources/Metro_Vision_Jan_18_2017_FINAL.pdf)

2040 Metro Vision Regional Transportation Plan (fed-required financially constrained long range transportation plan): <https://drcog.org/sites/drcog/files/resources/FINAL%20-%202040%20MVRTP%20w%20APPENDICES%20-%20April%202017.pdf>

2018-2021 Transportation Improvement Program (fed-required listing of funded projects, like a city's capital improvement program): <https://drcog.org/sites/drcog/files/resources/2018-2021%20Transportation%20Improvement%20Program%20-%20Adopted%20April%202017.pdf>

NFRMPO 2040 RTP: <http://nfrmpo.org/rtp/>

NFRMPO 2040 RTE: <http://nfrmpo.org/transit/rte/>

RTD Northwest Area Mobility Study (NAMS) (2013-2014)

General: [http://www.rtd-fastracks.com/nams\\_1](http://www.rtd-fastracks.com/nams_1)

Final Report:

<https://www.dropbox.com/s/1u1mt3z1h80ya4/Final%20Report%20508%5B1%5D.pdf?dl=0>

RTD North Metro or N Line (2006-2011)

General: [http://www.rtd-fastracks.com/nm\\_2](http://www.rtd-fastracks.com/nm_2)

EIS Documents: [http://www.rtd-fastracks.com/nm\\_116](http://www.rtd-fastracks.com/nm_116)

Construction Information (2011-present):

[http://www.rtd-fastracks.com/nm\\_267](http://www.rtd-fastracks.com/nm_267)

RTD 2015-2020 Strategic Plan"

<https://www.rtd-denver.com/documents/2015-2020-strategic-plan.pdf>

PPACG's 2040 Long Range Transportation Plan.

<http://www.ppacg.org/file/2017/08/Combined-Chapters.pdf>

Private Guidance and Resources:

BNSF Railway Commuter /Passenger Principles

http://

## APPENDIX B: KEY TERMS

The following table provides definitions for terms relevant to this document.

Term	Definition
TIGER	<i>Transportation Infrastructure Generating Economic Recovery</i> Grant program administered by US DOT
Environmental Impact Statement (EIS) reviews	Unless excluded by the concerned federal agency, an Environmental Assessment or EIS is required in order to identify and provide mitigation strategies for a wide array of potential environmental impacts that exceed federal standards or may harm federal protection and recovery programs (e.g. endangered species). See Appendix A references.
Service Development Plan	The Service Development Plan is required by the Federal Railroad Administration before federal funding applications will be considered. The Plan presents and justifies the need for the proposed rail service. The specific requirements are contained in <i>FRA Railroad Corridor Transportation Plans, A Guidance Manual</i> . See Appendix A references.

### From SB 17-153

(a) "COMMISSION" MEANS THE SOUTHWEST CHIEF AND FRONT RANGE PASSENGER RAIL COMMISSION CREATED IN SUBSECTION (2)(a) OF THIS SECTION.

(b) "FRONT RANGE PASSENGER RAIL SYSTEM" MEANS A RAIL SYSTEM THAT TRANSPORTS PASSENGERS ALONG THE FRONT RANGE AND THAT MAY INCLUDE STOPS AT THE CITIES OF FORT COLLINS, LOVELAND, LONGMONT, BOULDER, DENVER, CASTLE ROCK, COLORADO SPRINGS, AND PUEBLO, AND INCLUDES ANY APPURTENANT EQUIPMENT, BUILDINGS, OR FACILITIES.

(c) "FUND" MEANS THE SOUTHWEST CHIEF RAIL LINE ECONOMIC DEVELOPMENT, RURAL TOURISM, AND INFRASTRUCTURE REPAIR AND MAINTENANCE FUND CREATED IN SECTION 43-4-1002.

## **APPENDIX C COMMISSION MEMBERS (as of October 1, 2017)**

**Sal Pace, Pueblo, Pueblo County Commission**

rep. public rail transportation advocate, appt. expires 7-1-2019

**Sara Rae Thompson Cassidy, Edgewater, Union Pacific Railroad**

rep. Class I freight railroads that serve Colorado, appt. expires 7-1-2019

**James Martin Souby, Denver, Colorado Rail Passenger Association (ColoRail)**

rep. public rail transportation advocate, appt. expires 7-1-2020

**Peter James Rickershauser, Denver, BNSF Railway**

rep. Class I freight railroads that serve Colorado, appt. expires 7-1-2020

**Richard Guy Klein, La Junta, City of La Junta**

rep. resident of Huerfano, Las Animas, Otero, Prowers  
or Pueblo counties, appt. expires 7-1-2020

**Jill Gaebler, Colorado Springs, City Councilor**

rep. Pikes Peak Area Council of Governments

**Jacob Riger, AICP, Sr Long Range Transportation Planner**

rep. Denver Regional Council of Governments

**Phil Rico, Trinidad, Mayor, City of Trinidad**

rep. South Central Council of Governments

**Terry Hart, Pueblo, Pueblo County Commission**

rep. Pueblo Area Council of Governments

**Bill Van Meter, Asst. GM, Denver RTD**

rep. Regional Transportation District

**Becky Karasko, Fort Collins, Director Transportation Planning**

rep. North Front Range MPO

**Mark Imhoff, CDOT, Division of Transit and Rail**

rep. Dept. of Transportation, ex-officio, non voting

**Ray Lang, Amtrak Sr. Dir., Govt. Affairs**

rep. Amtrak, ex officio, non voting