

SOUTHWEST CHIEF COMMISSION (SWC Commission)
Meeting Minutes
September 17, 2014
2:30 p.m.
Council Chambers – La Junta Municipal Building

I. ATTENDANCE/EXCUSED

A. CALL TO ORDER. Chairman Pace called the meeting to order at 2:30 p.m. Roll was taken and introductions were made around the room. The following persons were in attendance:

Commission Members Present: Sal Pace, Chairman
Rick Klein, Vice Chairman
Elena Wilken (Arrived at 2:55 p.m.)
Jim Souby
Pete Rickershauser
Mark Imhoff
Ray Lang

Other Attendees: Dennis Slimmer, Kansas DOT (phone)
Frank Sharpless, New Mexico DOT (phone)
Mickey Farrell, Colorado DOT (phone)
Danny O’Connell, Amtrak
State Senator Larry Crowder
State Rep. Clarice Navarro
David Krutsinger, CDOT
Dwight Gardner, U. S. Senator Michael Bennett’s Office
Doris Morgan, U.S. Congressman Cory Gardner’s Office
Gloria Gutierrez, U.S. Senator Mark Udall’s Office
Chris Sherwood, BLE&T La Junta Div. 505
Ron Schwartz, Colorado Legislation Board – BLE&T
Beverly Babb, La Junta
Daniel Davis, La Junta
Susan Elliott, La Junta
Dick Scott, Kiowa County
Bill Koehler, Kiowa County
Wendy Baxton-Andrade, Prowers County
Lynn Horner, La Junta Mayor
Danelle Berg, Otero County Economic Development
Jolly Rose
Bob & Shirley Cody, La Junta
Ryan Stevens, La Junta Economic Development
Chad Fluke, SMART 0945, La Junta

Ed Stafford, La Junta
Phyllis Kelley, La Junta
Keith Goodwin, Otero County Commissioner
Nancy Bennett, SECCP
Robert Schwinger, SECCP
Edward Vela, La Junta Urban Renewal
James & Rethabel Huff, La Junta
Rick Wallner, National Parks Service
Wil Meiklejohn
Charles & Donna Paulsen, Pueblo
Carol Bolton, Trinidad
Joe Reorda, Trinidad Mayor
Joel Matthews
Rick Manzanares, Canyons & Plains of Southeast Colorado
Phil Malouff, La Junta
J. Bullerwell, Amtrak, La Junta
Jan Schooley, La Junta City Clerk
Chris Woodka, Pueblo Chieftain
Bette McFarren, La Junta Tribune Democrat

- B. APPROVAL OF MINUTES:** Chairman Pace asked if there were any corrections to the minutes of the September 5, 2014 meeting. Jim Souby asked for a correction to page 4 in the last paragraph where it says “Jim Souby noted Colorail will hold a meeting in the near future”, but actually the meeting he was referring to was a National Association or Railroad Passengers (NARP) meeting. And the topic that was requested to be considered at their meeting next month in Salt Lake City is Long Distance Amtrak Trains. Also in the same paragraph, “Representative George Rivera” should be changed to “Senator George Rivera”. Also Wichita was discussed in the same paragraph as being in favor of re-routing the Chief, and actually it turns out that their City Council is not in favor of re-routing the Chief.

Jim Souby made a motion to adopt the minutes as corrected, and he said he would submit his corrections in writing. Rick Klein seconded. The motion carried unanimously.

II. REGULAR AGENDA

- A. Update from members of the General Assembly/Congressional delegation staff.** Those making brief comments were Colorado Senator Larry Crowder, Colorado State Representative Clarice Navarro, Gloria Gutierrez, and Regional Director for U.S. Senator Mark Udall; Dwight Gardner, U.S. Senator Michael Bennett’s Office; Doris Morgan, U.S. Rep. Cory Gardner’s Office.
- B. TIGER grant update.** Chairman Pace thanked all of the Colorado partners who put forward matching money for this project. Everyone stepped up on very short notice. The participants include Bent County, Las Animas County, Otero County, Prowers County, Pueblo County, City of Lamar, City of La Junta, City of Trinidad, Trinidad Tourism

Board, The I-25 Coalition, and the Colorado Rail Passenger Association. All of these local entities join Garden City, Dodge City, Hutchinson, Newton, as well as Kansas DOT, BNSF Railway and Amtrak.

Jim Souby stated that the Kansas Department of Transportation will be the grant administrator. The grant will cover about 50 miles of upgrades and the initial thinking was for about 5 to 10 miles in Colorado and the balance in Kansas. However BNSF and Amtrak will make the final decision on that. The notion is to repair the weakest links in the line between Newton, Kansas and Las Animas, Colorado. Through these improvements, a benefit cost advantage of about \$2.43 for every dollar invested is anticipated over the life of this investment. The strategic notion is that we put a partnership together among some advocacy groups, the BNSF Railway, Amtrak and with the Kansas DOT. This will be a very powerful strategic partnership and we will want to build on it. Mr. Souby went on to ask the question "does this in fact save the train?" Where does New Mexico stand? Where will Colorado stand? Where is Amtrak now? What are the next strategic objectives we must achieve? There is a lot of work that needs to be done.

Rick Klein said he wants to make it clear that this grant is awarded to the City of Garden City and will be administered through KDOT. He thanked KDOT for coming to the table with funds.

Dennis Slimmer (by phone) stated KDOT was pleased to partner with Garden City and the other communities and Amtrak and BNSF. They see it as improvement to preserve not only the passenger rail but also an important freight line in Kansas. This project will address the worst of the rail first, and will give us some time to find solutions for the rest of the rail. It takes care of about 1/3 of the bolted rail that is in the worst condition in the La Junta Subdivision. He went on to say that this morning they had a celebration of the announcement of the TIGER Grant application at the railroad depot in Garden City. Elected official and other representatives from Amtrak and BNSF attended. The USDOT awarded a total of \$600 million in TIGER Grant funds. There were 72 transportation projects in 46 states that were awarded. This is out of almost 800 applicants. So Garden City is really to be congratulated along with the whole team, for putting together a strong application. KDOT will begin efforts to prepare agreements and start work on it as soon as possible. BNSF will be doing the engineering work. The time frame for doing the work is it should be done sometime in 2015. It looks to be about seven months' worth of work. BNSF crews will do the work.

Frank Sharpless (by phone) stated that not a lot has changed in New Mexico since the previous meeting. Studies are continuing. There will be a State Traffic Commission meeting in tomorrow in Raton. Amtrak's Ray Lang is slated to be on the agenda. Anyone who would like to attend and speak under the "public comment" portion of the meeting should get with him at the beginning of the meeting.

AT THIS POINT ELENA WILKEN ENTERED THE MEETING ROOM AND WAS SEATED AT THE MEETING TABLE.

C. Amtrak Update. Ray Lang said he came in on the train to Garden City this morning for the TIGER Grant celebration. Just to refresh everyone's memory, we are dealing with a stretch of railroad track from central Kansas all the way to Albuquerque that is in jeopardy of having its speeds downgraded. With this \$22 million grant new rails can be laid. The money will cover about 50 miles of railroad, with the worst of the worst being covered first. The work that has to be done first is the Service Outcomes Agreement between Garden City Kansas, KDOT, BNSF and the USDOT. The BNSF has made a major commitment in this grant that if funds were received, they would maintain that railroad to 80 mph.

Jim Souby asked if the Transcon, alternative route, is now off the table and it's now time to just move ahead and get the job done. Ray Lang said the Transcon would have been more expensive because Amtrak would have to have more sidings and capacity to accommodate the train, so they never really looked into it. Souby said his whole point is that we need to fix the train or we lose it. That is the new path which is very important based on conversation at the last meeting regarding where other states stand.

Chairman Pace said it is safe to say that if a solution had not been found, the likely scenario would have been the Southwest just disappears.

Chairman Pace asked for details of the Maintenance Agreement from the BNSF. Does that include the stretch in western Kansas all the way to Las Animas, or is it just 50 miles of new rail? What does it mean for the previously proposed cost?

Ray Lang said the BNSF pledged to maintain the 80 mph for passenger rail to wherever the new rail was laid in the La Junta Sub. So this is the stretch from Newton to Las Animas. If we get new rail there, they would agree to maintain it at passenger speeds.

Senator Crowder stated it would be a good idea to apply for another TIGER Grant after these funds have been expended.

Mark Imhoff said the TIGER program is not a guarantee that there will be another one. A number of years ago Congress went away from earmarks and went more into formula programs. The TIGER has been one way they can do something else. Some people might call it earmarks, but it is an opportunity to designate projects as opposed to formula dollars. But there is no guarantee.

Senator Crowder said he hopes that now the model is set and the attitudes of the state will be more on board, as well as New Mexico.

Rick Klein said we will be working with CDOT and NDOT to see who we can come up with to help sponsor the next round so that the program continues.

Chairman Pace said he wanted to comment on CDOT's long-stated position that this should be a Federal cost only. Perhaps philosophically that might be the ideal path, but unfortunately we have a congress in Washington D.C. that often can't get things done. So we have to think on a local level where there is less gridlock and people can get things done. The very fact that eleven communities in southern Colorado had to put up money in order for Colorado to participate in the TIGER Grant, may have inadvertently ruined the CDOT philosophical opposition.

Mark Imhoff stated the Federal government stepped up in a big way to help the program.

Ray Lang commented that the TIGER Grant program lives year to year, and he asked the congressional staff members present in today's audience make a point of asking that their bosses support the TIGER Grant program. He went on to say there is an Amtrak bill before the U.S. House of Representatives that has passed unanimously, which shows good bi-partisan support, and makes a strong statement. The funding levels in the bill are low, however.

D. Update from DOT'S. This was covered under item **B.**

E. Communication with BNSF. Pete Rickershauser said that BNSF has agreed that at all future meetings of the commission, they will either participate in person or on the phone. As far as questions are concerned, BNSF proposes that any commission questions be formalized and be handled through CDOT representation. So, we would formalize our questions and CDOT will handle them with BNSF. So this would be the way to handle questions formally to BNSF and get answers back formally from them. Mr. Rickershauser views his role as helping the commission formulate questions and interpret the answers. And as we think of questions we should think of Amtrak as well.

Mark Imhoff said that CDOT will be a conduit and this is a mechanism to allow formal requests to get to BNSF. The commission will get an unfiltered answer.

Chairman Pace said the commission should start formulating what types of questions they want to get answered by BNSF. The questions can be considered in a formal way at the next Commission meeting. Rickershauser pointed out that the Commission's questions may generate questions on the part of BNSF. So there needs to be a dialogue and he hopes he can facilitate that.

Chairman Pace asked, in order to prepare for the next meeting, are there any preliminary questions for BNSF at this time.

Ray Lang said that as the Commission moves forward with access to Pueblo, Amtrak needs to formally notify BNSF of the Commission's desire to do that, or at least get their take on what incremental costs are. So the Commission needs to formally ask Amtrak to approach BNSF and start the formal study process.

Clarice Navarro asked who the steel contractor will be. Ray Lang said BNSF will make that decision. Most likely it will be CF&I. It would not be unreasonable to request BNSF contract with CF&I. Chairman Pace agreed this is a critical issue.

Elena Wilken asked who the players are in the Service Outcomes Agreement, and what are they negotiating. She will help draft up that question.

Jim Souby stated another question should be where is New Mexico in all of this.

Pete Rickershauser suggested asking, for each one of the three states, what are the track conditions. What is the issue, when will the issue be felt -- that unless some action is taken the speed of the train will be further dropped, and what is the cost of the solution.

Mark Imhoff said he would like to know if there is a proposed game plan on how the costs for maintenance will be split.

Chairman Pace asked that all of these questions be drafted and share them via formal agenda prior to the next meeting.

F. Towner Line update. Peter Rickershauser said the conversation on using the continuous welded rail from this line is now a moot question. The owner of the line has not formally gotten permission to abandon the line. Someone else has made an offer to acquire the line with the intent of continuing operation of the line. The pot has continued to boil and now there is a lawsuit in federal district court in Denver. The rail is not available and must stay right where it is. We would like to see the line stay there and be well-used. Senator Crowder said not only would he like to see it stay there, he would like to see the spikes re-driven. Rickershauser urged Commissioners to make sure the STB knows of their support.

G. Steps to converting to passenger rail (Ohio document). Pete Rickershauser said the Ohio document has a commuter rail checklist the purpose of which is to define steps in the planning process for an analysis of a potential commuter rail service. The list is not definitive, rather it sites tasks that are fairly commonly performed when commuter rail feasibility is being investigated and service is implemented. It is included in the Ohio State Rail Plan as a checklist for Ohio urban planners who might be entertaining studying or establishing commuter rail services alone or as a compliment to planned rail passenger services. There are 20 steps on the list. He asked the Commission to start thinking about what our steps are and figure them out so that we can move forward with them and fund them.

H. Formal funding request to General Assembly. Chairman Pace said he would like the Commission to make a formal request for funding for the Joint Budget Committee to consider ahead of the 2015 legislative session. The funds would go toward track maintenance or for a study. We need some questions answered if we are going to make that formal request. Once this Commission figures out those questions, he will work with our legislators to help us get a formal seat in front of the JBC. But again, before we can do this we need to get some of our questions answered from Amtrak and BNSF fairly soon.

Peter Rickershauser said he would formalize the question about time frame and costs for maintenance that still exist on the actual line.

Chairman Pace said that this item will be laid over for the next meeting.

I. Formal request to BNSF. This was handled under item E.

J. Other. Peter Rickershauser handed out a map of the existing route of the Southwest Chief. He then handed out three other maps that show the route the way BNSF looks at it. It

shows all the divisions and subdivisions. This shows the complexity of the system, and therefore the reason why answers to questions are not always easy to get.

- K. Public Comment.** Edward Vela of La Junta asked where is the maintenance money going to. Ray Lang said that the portion of the infrastructure that is in jeopardy is essential from Newton, Kansas to just outside of Albuquerque and Lamy, New Mexico. The rest of the line is maintained by BNSF very well and is not in jeopardy.

Rick Klein invited everyone to attend a reception at La Junta's Senior Center after this meeting.

- L. Next meeting.** Chairman Pace said he would like to have one or two more meetings before the legislative session. We can check with each other via email on what a good meeting date will be. In the meantime, we can get substantive work done by email.

Chairman Pace closed the meeting adjourning at 4:22 p.m.