

Joint Service IGA

How the Parties Collaborate and Advance Joint Service



Joint Service Background

- SB24-184, Supporting Surface Transportation, passed the General Assembly and was signed into law May 2024
- Provided for new multimodal project funding to be administered through the Colorado Transportation Investment Office (“CTIO”) via a Congestion Impact Fee placed on rental cars
- Directed the Regional Transportation District, Front Range Passenger Rail District, and Colorado Department of Transportation to collaborate and deliver a starter intercity passenger rail service from Denver to Ft. Collins
- Allowed the Joint Service entities – RTD, FRPRD, and CDOT – to examine options and decide how best to work together:
 - ◆ An Intergovernmental Agreement (“IGA”), or
 - ◆ A new Colorado Rail Authority, or
 - ◆ A new legal entity

Why an Intergovernmental Agreement?

The Colorado General Assembly, via SB24-184, directed the State's three leading transit entities to use their statutory authority to study collaboratively how they could deliver the first phase of Front Range Passenger Rail.

This approach:

- Allows collaboration among the public entities and provides a governance structure for their activities
- Creates a Joint Service Executive Oversight Committee (JSEOC) that acts on behalf of the group of public entities (Executives or their designee of RTD, FRPRD, CTIO, CTE, CDOT, and the Colorado Governor)
- The JSEOC is the single entity that will negotiate the access agreement and construction agreement with BNSF

Overview of the IGA

- The IGA does not supersede or impact the authority of each individual public entity. The governing body of each public entity makes all decisions regarding appropriations and funding, unless such decisions have been expressly delegated by the individual governing body.
- Individual governing bodies will still need to vote and approve any investment in Joint Service once an access agreement has been negotiated by the JSEOC and BNSF.
- It is expected that the JSEOC will initially make decisions by the 50%+1 rule
- Upon adoption of a financial plan, a weighted voting mechanism could be added for protection for the interests of the public entities making large financial contributions to the Joint Service Project.

Overview of the IGA (continued)

- The JSEOC will steer negotiations with BNSF, and solicit an operator for passenger rail service, while laying the foundation for the future expansion of Front Range Passenger Rail.
- The JSEOC will strive to implement the Joint Service Project in such a way that it will not render infeasible the existing operations of RTD or future plans for Front Range Passenger Rail.
- The IGA provides a process for transfer of interests, assets, and obligations of any Party, with a goal of ensuring that there always will be only one access agreement and one operator on the northern front range sub owned by BNSF.

Joint Service Timeline

- **May 2025:** All Boards Workshop Draft IGA
- **June & July 2025:** The following Boards begin voting and approving the IGA, as well as a resolution of an intent to appropriate:
 - ◆ June: CTIO, CTE, TC
 - ◆ June: FRPR
 - ◆ July: RTD
- **August 2025 - January 2026:** JSEOC to negotiate with BNSF an access agreement
- **Winter 2026:** All Boards to adopt financial plan based on a successful access agreement and construction agreement
- **Summer 2026:**
 - ◆ JSEOC conducts procurement for rolling stock and operator
 - ◆ JSEOC executes a construction agreement with BNSF on needed infrastructure investments
- **January 2029:** Joint Service train begins