

I-70 Mountain Corridor Collaborative Effort

Operating Agreement and Protocols

Last updated February 2021

The I-70 Collaborative Effort (CE) is a 31-member group representing various corridor interests. The CE was charged with reaching consensus on a recommended transportation solution for the I-70 Mountain Corridor. The Colorado Department of Transportation (CDOT) and the Federal Highways Administration (FHWA) were active participants and both agencies committed to adopting the CE's Consensus Recommendation in the PEIS.

The CE approved a multi-modal transportation solution for the I-70 Mountain Corridor in June 2008. The Consensus Recommendation includes both transit and highway improvements, based on proven needs. These improvements are aimed at enhancing the corridor, its environment, and its communities. It also allows for flexibility in determining the order for improvements to be made and the ability to assess impacts of improvements as time goes on before new improvements are implemented.

Continued convening of the CE is necessary because the aforementioned improvements may or may not fully address the needs of the corridor beyond 2025, and the recommendation does not preclude nor commit to the additional multi-modal capacity improvements. The CE will meet three times a year to review the current status of all projects and consider the triggers in evaluating the need for additional capacity improvements. In calendar year 2021, the meetings will be held the last Wednesday of February, May and September. In calendar year 2022 and beyond, the meetings will be held the last Wednesday of January, May and September.

1. Purpose

The ongoing purpose of the Collaborative Effort is to:

- 1) Ensure consistency of implementation of the Record of Decision (ROD) with the Collaborative Effort's agreement, signed May, 2008;
- 2) Provide a forum to track programmatic decisions and progress related to the I-70 Mountain Corridor Programmatic Environmental Impact Statement (PEIS);
- 3) Provide a mechanism for responding to the triggers identified in the Collaborative Effort Agreement, signed May, 2008.

2. Membership and Attendance

The entities listed in Appendix 1 are members of the Collaborative Effort. Those entities must designate a person to serve as their representative on the Collaborative Effort. It is members' responsibility to ensure they have a representative participating. If they cannot find a representative from their organization, they have the first right to identify another person to represent their interest on the CE. If they do not have a preference, or are in-communicable, the Co-Chairs will find a representative of the interest group and bring before the CE to ratify.

The general makeup of the Collaborative Effort should be maintained to ensure the balance of perspectives throughout the corridor is represented. Upon agreement of the Collaborative Effort members,

additional organizations may join the Collaborative Effort after demonstrating they are a direct stakeholder in the corridor. The list of members may be modified in the future while continuing to maintain the balance of perspectives.

Members agree that participation by phone or conference call is not desirable. If any member is unable to attend a meeting they can still contribute to the Collaborative Effort by providing agenda items for discussion and by reviewing appropriate materials so as to be prepared for discussions in subsequent meetings.

Each member organization will designate one alternate person per seat and encourage the alternate to join meetings so that there is a consistent body of knowledge. To ensure fair and equal representation, an alternate may not serve as an alternate for more than one organization. Members will designate their alternates and email their alternates' contact information to the Co-Chairs and to CDOT who will keep a record of both the members and the alternates. That alternate will remain the organization's alternate until the organization notifies the Co-Chairs and CDOT otherwise.

Weather Cancellation Policy: If a significant number of members are unable to attend due to weather, meetings will be cancelled. As a general guideline, if school busses are cancelled in the area of meeting location or in a number of member's areas, then so too will the meeting be cancelled.

3. Decision Making and Deliberation

The group's highest goal is consensus. A consensus agreement is one that all group members can support, built by identifying and exploring all parties' interests and by developing an outcome that satisfies these interests to the greatest extent possible. To enhance creativity during meetings, individuals are not expected to restrict themselves to the prior positions held by their organizations, agencies or constituencies. The goal of the meetings is to have frank and open discussion of the topics and alternatives in question. Therefore, ideas raised in the process of the dialogue, prior to agreement by the whole group, are for discussion purposes only and should not be construed to reflect the position of a member or to prematurely commit the group.

Formal voting will not be used by the group for decision making. Informal polling may be used during the process to assess the congruence of members on an issue or set of issues. If consensus is not possible, then the level of support and dissension will be noted and all deliberations and products of the Collaborative Effort will be considered by the lead agencies in their decision making.

The participants agree to use the Collaborative Effort venue to resolve questions associated with the PEIS. At the same time, the participants recognize that there are other venues for addressing their concerns, including the CSS process and formal comment periods associated with state and Federal environmental review processes. Participation in this Collaborative Effort process does not preempt participation in any other venue; however, participants will be mindful of the impact of their comments in other venues, will refrain from undermining the work of the Collaborative Effort and will not speak for other parties or the collaborative group without explicit instructions from the group's members.

As necessary, the facilitator may call for a break or caucus sessions.

Collaborative Effort members will nominate and elect Co-chairs. The role of the Co-chairs is to serve as points of contact for determining the need for meetings and for setting agendas as needed, and for ensuring that the CE reviews progress on the PEIS and evaluates the triggers. Collaborative Effort members are responsible for contacting Co-chairs if they feel that conditions warrant a Collaborative Effort meeting outside of the regularly scheduled meetings and with issues they feel should be on the agenda for Collaborative Effort meetings. The Co-chairs will work with CDOT to arrange meetings of the

Collaborative Effort, including date, location, and draft agenda. Collaborative Effort members will have an opportunity to review the draft agenda prior to the meetings. CDOT will be responsible for meeting logistics including public notification, location, materials, and keeping minutes and meeting summaries.

There will not be term limits on the Co-chairs and they will serve unless the CE is in consensus that a Co-Chair is not serving the interests of the group. If a Co-chair determines that he/she no longer wishes to serve as Co-chair, the membership of the entire CE will identify potential replacements and submit those names to the remaining Co-chair and to CDOT who will then present those names to the entire CE membership. The CE will then select a replacement by consensus at a regularly scheduled meeting. If a Co-chair leaves his/her organization, that Co-chair's organization will choose the successor to serve on the CE as a general member. That person will be eligible to have their name placed in consideration for serving as Co-chair but will not automatically replace the departing Co-chair. The CE will have Co-chairs who represent both sides of the Continental Divide; one Co-chair will represent an organization from the Front Range and the other Co-chair will represent an organization from the Western Slope.

4. Recommended Alternative

The Collaborative Effort's agreement on a recommended alternative shall provide the basis for ongoing discussions of the Collaborative Effort.

Lead agencies cannot delegate their responsibilities regarding decision making. However, as equal and participating members of the Collaborative Effort, lead agencies are committed to crafting with all stakeholders decisions that can be supportive and consistent with the recommended alternative.

5. Document Review

The Co-chairs, in conjunction with CDOT, are committed to preparing agendas and distributing meeting summaries and supporting materials for the Collaborative Effort which serve the breadth of interests of members and which are not inappropriately influenced by any particular stakeholder group or membership.

All changes, suggestions or edits to supporting documents will be submitted to the Co-chairs and to CDOT. CDOT is responsible for posting relevant materials to the I-70 Mountain Corridor website.

"Meeting Minutes" will be prepared by CDOT and distributed to the Co-chairs who will then review them and submit them to the CE membership for review. The goal will be to distribute the minutes to the CE within two weeks of a meeting. The minutes will provide a detailed account of meeting proceedings. The CE membership will then review and approve the minutes or make recommended changes to the minutes by e-mail or no later than at the next meeting of the CE.

Approval of the Meeting Minutes by group members is a testament that the summaries accurately reflect the discussions in the meeting. Approval of the summaries does not signify an official or binding agreement for any group member.

6. Email Communication

Email will be used for meeting scheduling and logistics, document review and agenda building. Email will not be used for discussion, deliberation or agreement building.

7. Independent Technical Support

The Collaborative Effort may seek to appoint a technical expert or resource to support decision making and deliberation. For example, a technical expert may provide insight on the application and interpretation of National Environmental Policy Act and environmental impact statements. If technical

expertise is needed that cannot be adequately provided by existing resources available to the Collaborative Effort, the Collaborative Effort group, or an agreed upon subset of the group, will assist directly in the selection of technical experts.

8. Public Attendance and Comment

Collaborative Effort meetings are dedicated working sessions for group members. As such, agendas for the Collaborative Effort will be designed to maximize the time for group discussion and deliberation. To promote transparency, thorough discussion and the inclusion of the breadth of interests and stakeholders, all meetings of the Collaborative Effort will be open for observation by interested members of the public and a brief public comment period will be provided in each meeting.

9. Communication with other organizations, individuals and the media

Collaborative Effort members wish to maintain an environment that promotes open, frank and constructive discussion. Members recognize that such an environment must be built on mutual respect and trust, and each commits to avoid actions that would damage that trust. In communicating about the group's work, including communicating with the press, each member agrees to speak only for herself or himself; to avoid characterizing the personal position or comments of other participants; and to always be thoughtful of the impact that specific public statements may have on the group and its ability to complete its work. No one will speak for any group other than their own, without the explicit consent of that group. Should anyone wish the Collaborative Effort to release information to the press, the group will do so through a mutually agreeable statement, drafted by consensus of all of that group's members.

10. Subcommittees

As necessary, subcommittees may be formally created by the CE to address specific topics in greater detail. These subcommittees are advisory bodies to the CE. They will research or explore a designated issue and come to the CE with recommendations for the full CE to consider and act on as appropriate. Each subcommittee will appoint a chair from a CE member organization and will develop a scope of the issue to be researched or explored. That scope will be presented to the CE for its consensus approval prior to the commencement of its work. The same principles that guide the CE in its work (operating by consensus, no formal voting, staying true to the collaborative framework and approach, etc.) apply to each subcommittee in its operations.

Each member organization of the CE may participate in these subcommittees and may bring in subject matter expertise from their organizations as needed. With the consensus of the CE, these subcommittees may also include non-CE members when the CE has determined that expertise outside the membership of the CE is needed. These subcommittees may be also formed in conjunction with the CSS process, particularly when broader participation may be helpful. If resources make this possible, facilitation or agenda building support may be offered to subcommittees to promote coordinated, informed and representative discussions by all members.

11. Facilitation

Should a professional facilitator be engaged, the role of the facilitators is to assist the group in identifying issues and interests, narrowing options, and developing agreement where possible.

They will do this by:

1. Ensuring that a broad range of perspectives are brought to bear on the decision-making processes, including the perspectives of those most affected by the decisions or policies at issue.
2. Remaining impartial on the substance of issues being discussed while ensuring that participants decide which issues are discussed.

3. Considering the entire group as the "client;" recognizing that any participant, not just the funder, can recommend that the facilitator is not acting as a neutral party and should be excused from his or her duties.
4. Fully disclosing the sources of funding and relationships and protocols with those funding facilitation services.
5. Reserving the right to withdraw from a process if the facilitator has just reason to believe participants are not participating in good faith.
6. Ensuring that decision-makers within the organization and our projects understand that they cannot use the facilitator to influence the outcome of any of our projects.
7. Encouraging decision-makers in our projects to use consensus wherever possible and appropriate.
8. Encouraging the fullest disclosure and exchange of information that may be vital to finding solutions while respecting that participants may choose to place constraints on what is made public and what remains proprietary.
9. Posting relevant meeting materials to a common website. ([Collaborative Effort — Colorado Department of Transportation \(codot.gov\)](#))

12. Schedule and Milestones

The Collaborative Effort will convene three times a year to review the current status of all projects and consider the Agreement triggers in evaluating the need for additional capacity improvements.

Members of the Collaborative Effort commit to efficient, effective discussions. All members agree up front to strive to meet the schedule they establish. Group discussion and deliberations may result in the intentional, formal adjustment of the schedule and milestones. For example, the group may find that technical information required for an informed discussion on a central or critical topic is lacking or absent and is required for an informed discussion.

Members of the Collaborative Effort will seek agreement on which information needs or discussion items bear directly on the scope and decision making of the Collaborative Effort and of the I-70 Mountain Corridor PEIS. It is likely that there will be discussion items or information needs that cannot be addressed within the timeframe of the Collaborative Effort schedule. For these concerns, the members of the Collaborative Effort will seek agreement on decision making principles and processes beyond the Collaborative Effort.

Appendix 1. Member Organizations

As noted in Item 2, Membership and Attendance, the Collaborative Effort may change the organizations within each category.

Federal Agencies

- U.S. Army Corps of Engineers
- U.S. Forest Service
- Federal Highway Administration
- Federal Transit Administration

State Agencies

- Colorado Department of Transportation Region 1
- Colorado Department of Transportation Region 3
- Colorado Department of Transportation Division of Transit and Rail

Local Government

- Town of Vail
- Garfield County
- Eagle County
- Clear Creek County
- City of Idaho Springs
- Summit County
- Jefferson County

Transit Agencies and Advocates

- Automated Guideway System/High Speed Transit
- Corridor Local Transit Provider
- Colorado Rail Passenger Association
- Colorado Association of State Transit Agencies (CASTA)

Environmental

- Trout Unlimited
- Sierra Club
- Headwaters Group Chapter of the Sierra Club
- Colorado Public Interest Research Group (CoPIRG)

Historic Preservation

- State Historic Preservation Office
- Corridor Local Historic Preservation Representative

Users

- I-70 Coalition
- Colorado Motor Carriers Association

Front Range

- Denver Metro Chamber of Commerce
- Mayor's Office, City & County of Denver

Mountain Business

- Vail Resorts
- Corridor business representative (Idaho Springs: Shotcrete Technologies)
- Colorado Ski Country USA