

## **I-70 Collaborative Effort Meeting Minutes**

Wednesday, May 31, 2023

10:00 A.M.-2:00 P.M.

**Members Present:** Co-Chair Randy Wheelock (Clear Creek County), Co-Chair Greg Hall (Town of Vail), Margaret Bowes (I-70 Coalition), Matt Scherr (Eagle County), Jessica Myklebust (CDOT R1 Director), Jack Tone (Colorado Rail Passenger Association), Brent Spahn (Summit County), Danny Katz (COPIRG), Eva Wilson (Local Transit Provider), David Krutsinger (Department of Transportation and Infrastructure, City and County of Denver), Elizabeth Cramer (FHWA), Mary Jane Lovelie (Corridor Business Representative), and Andy Marsh (Idaho Springs)

**Alternates Present:** Tracy Sakaguchi (Colorado Motor Carriers Association), Mike Vanatta (Jefferson County), Becky English (Sierra Club), Brian Doblin (FHWA), Scott Hoffman (Summit County), Amy Saxton (Clear Creek County) and Dave Cesark (CDOT R3)

**Interested Parties:** Julie McCluskie (Speaker of the Colorado House of Representatives), Karen Berdoulay (CDOT R3), Abbie Modafferi (CDOT R1), Stefi Szrek (Jefferson County), Jeff Hampton (CDOT R1), Benjamin Davis (CDOT R1), Julian Gonzales (FHWA), Miller Hudson (Colorado Maglev), Karen Hedlund (Surface Transportation Board), Erik Mocko (City of Grand Junction), Joseph Parks (CASTA), Sarah Cassidy (RGPC) and Kay Kelly (CDOT HQ), Steve Coffin (CE Staff)

**Note: This meeting was recorded to assist with creating meeting minutes.**

The meeting was called to order at approximately 10:00 A.M.

**1. Introductions**

Following introductions, Mr. Coffin called the meeting to order.

**2. Public Comment**

There was no public comment.

**3. CE Business**

*a. Discuss/Approve Agenda*

- Consensus on agenda.

*b. Discuss/Approve January 2023 Minutes*

- Minutes approved by consensus.

*c. Budget Review*

- Mr. Coffin reviewed the 2023 budget and agreed to send out the latest budget spreadsheet prior to the September CE meeting. (Abbie, let's remember this for when we send out the September meeting materials.)

**4. CE Operational Issues and Discussion**

***a. Operating Protocols and Discussion of CE Role, Meeting Frequency and Related Issues***

Mr. Hall explained that there will be changes over time in CE membership and staff, and to maintain and protect the institutional memory of the CE, it is important that all members understand the Operating Protocols, the commitments they include and the spirit they capture, which is why the agenda included a thorough review of the Protocols. Before reviewing them, however, he shared the history of the CE because understanding that is also important to creating and protecting that institutional memory.

CDOT issued a draft PEIS for the mountain corridor in 2004 that was strongly opposed by many in the corridor. It was limited to a 20-year horizon when stakeholders argued that the corridor's unique characteristics and challenges warranted a longer-term plan. It also had a constrained budget of \$4 billion which many felt was too limiting. It also needed to be adaptive and take a cause and effect approach to improvements, and it needed to include a CSS approach to solutions in the corridor. Mr. Hall added that at the time the PEIS was issued, the stakeholders had a high level of distrust of the agencies and felt that the agencies did not understand the corridor.

The opposition to the draft PEIS led to the formation of the CE in 2007. The make-up of the CE was intentional and deliberate to ensure voices from all sides were at the table.

With a change in administration in 2007, Russ George became Executive Director of CDOT, and he and then regional FHWA Administrator Dave Nicol wrote a letter to the CE stating that if the CE could agree to a consensus alternative, those agencies would accept that as the Preferred Alternative. The CE did develop a consensus and that is the plan the CE is working from today. Reaching that consensus was not easy. It required a high level of trust, commitment to problem solving, cooperation and compromise, and those principles are as important today as they were then. A result of the CE is that many transportation projects in the corridor have moved forward with less opposition, less antagonism, more efficiency, and more respect for the values of stakeholders in the corridor. The PEIS is a 50-year vision. The Record of Decision (ROD) coming out of the PEIS wrote the CE into the ROD as the group that would ensure the commitments of the ROD were implemented and maintained.

Ms. Loevlie noted that the 50-year horizon was a key negotiating point with CDOT. Their typical planning horizon is 20 years. Mr. Coffin added that a 50-year planning horizon was unprecedented in the country in terms of transportation planning, and that it was also unprecedented for the lead agencies to commit to supporting a preferred alternative that came out of a stakeholder process.

Ms. Cramer observed that this historical re-orientation is important, particularly with staff turnover and leadership changes. She added that the most basic reason FHWA is at the CE is to ensure the environmental commitments made in the ROD are met. She added that she has seen the positive effects of the Context Sensitive Solutions (CSS) process, which is not something that happens in every state. She was skeptical when she first came into a CSS process but having gone through it, she sees the value of having representatives of the community being partners in the planning process.

Ms. Myklebust noted that the CE is rich in history, and with staff and leadership changes, it is important to pass on that history and carry on the institutional knowledge and spirit of the CE. She added that it should be easy for new people to step in and understand the CE which is why a thorough review of the Operating Protocols is warranted, and the CE should review those not through the lens of does this work for today, but rather will it work 10 or 20 years from now.

Mr. Wheelock reiterated the importance of understanding the origins of the CE and of the PEIS. He noted that the 2004 attempt at a PEIS failed because it was thrown out by FHWA because the agency realized it was issued with a predetermined outcome and did not address or incorporate the concerns of stakeholders in the corridor. He added that another important component of the ROD was that it allowed for adaptive management, and that turnover in the CE brings in new people with new ideas and perspectives who can represent the changing context of the corridor.

Mr. Hall mentioned that the group had spent the last two meetings talking about a broadened definition of capacity, and in that context, it looked at the Operating Protocols to determine whether examining corridor capacity in that broader sense was a role for the CE. The Protocols did not clearly answer the question, however, because they discuss the “purpose” of the CE but not its “role”.

As the CE discussed this issue of capacity, it concluded that it was important for the group to raise this question about a broadened definition of capacity, but it was also important to question whether it was the CE’s role to develop a statewide vision for the corridor. It is not the agencies’ role, and it is also not the role of one community to say what the vision is for another community.

Jessica Myklebust then explained that CDOT determined it was best for the agency to provide CE staff support rather than solicit members for contributions to pay for an independent consultant. She introduced Abbie Modafferi, the I-70 Corridor Environmental Manager, who will be staff for the CE. Mr. Wheelock added that there might be work the CE will want to undertake for which the CE may want to raise funds.

Mr. Coffin then began the review of the Operating Protocols in their entirety. He explained that the they were first developed in 2007 but there was a gap between then and 2017 when he got involved, during which time it is unclear if any changes were made. Since 2017, a few changes have been made. He emphasized that changes to the Protocols should be made infrequently, only when necessary, and only after considering the intent of the original drafters. He then reviewed each section.

- Meeting frequency and location: the Protocols called for 3 meetings a year because there was a lot of excitement following the 2020 Reassessment that resulted in the creation of subcommittees for the first time in CE history. Since then, the need for subcommittees has evolved, so the CE needs to consider whether it revert to meeting twice a year as it was prior to 2020.
- Purpose and role: the Protocols referred to the “purpose” of the CE, but purpose is different than role, and as a result, there has been some lack of clarity among CE members on the CE’s role. The ROD Executive Summary states that the “role” of the CE to:
  - Review the current status of all projects;
  - Identify unmet needs in the Corridor; and
  - Consider the triggers in evaluating the need for additional capacity improvements beyond those specified in the Minimum Program of Improvements.

Mr. Coffin asked if adding that language would be helpful to understanding the role of the CE, and several members said it would. Mr. Parks of CASTA suggested the Protocols include links to relevant ROD-related documents. Mr. Hall and Ms. Myklebust noted that the role of the CE is not to review “all” transportation projects but instead the projects in the corridor, and Mr. Hall added it is particularly important to review the status of “specific highway improvements.” Ms. Bowes suggested creating a living document on the status of ROD projects. Mr. Marsh suggested that missing from this list is the CE’s role guiding Project Leadership Teams on projects. Mr. Hall responded that the CE is a forum where concerns with the CSS process on a particular project could be raised. Mr. Krutsinger added that performance metrics should be used to measure the performance of the corridor, including data on ridership, traffic, and accidents. That data should be used by the CE to understand the performance of the corridor as a whole.

- Lobbying: language will be added to clarify that the CE cannot engage in lobbying efforts.
- Membership: The Protocols state that the CE has the discretion to add members. Ms. Bowes brought up the issue of municipal membership, and asked hypothetically if at some point in the future Vail and Idaho Springs decided they no longer wanted to continue as CE members but other communities like Frisco and Georgetown wanted to join, how would the Operating Protocols address that situation? In other words, is this a Vail or Idaho Springs seat or is it a local municipal seat? Mr. Hall responded that his understanding has been that the municipal positions are for an east slope and a west slope municipality. Mr. Wheelock added that when adding a municipal

member, a key question is if it is a municipality directly impacted by the interstate. Adding a municipality like Grand Junction should not require removing a municipality directly impacted by the interstate like Georgetown or Idaho Springs. Mr. Hall added that membership at the CE's beginning was a deliberate effort to create a group dynamic that could lead to the development of a consensus solution. Ms. Bowes asked whether the CE should put more structure around adding municipalities to the CE, such as providing for one municipality per County. Mr. Hall suggested that the CE consider requiring any municipality that is added to agree with the consensus and the Preferred Alternative and to explain what perspective it brings that is not currently represented on the CE. He added that the CE was intentionally broad-based to ensure the CE is hearing from all sides of the discussion and that should be our guiding principle with new members. Mr. Coffin reiterated that the first question to be asked when considering adding new members is the intent of the initial drafters of the Operating Protocols. The next question is whether what was originally drafted needs refining, and that is an issue that requires further discussion by the CE. The discussion today is not intended to reach consensus on this issue but rather to get CE feedback and to come back to the next CE meeting for consensus. Mr. Wheelock added that it is important that any communities impacted by transportation projects have a voice at the table, whether through direct membership or by being represented by a CE member who can advocate for and represent the interests of that impacted community.

- Decision-making and deliberation: The group's highest goal is consensus and that is a core tenet of the CE.
- CE Operations: the language adding CE staff to the operations will be removed, returning staffing responsibility to CDOT.
- CE Co-Chairs: the Protocols specify that one must be from the east slope and the other from the west. Filling a co-chair position is a decision of the full CE.

Mr. Coffin summarized the remaining sections of the Protocols and asked FHWA and CDOT staff for comments. Ms. Cramer suggested that getting "re-agreement" by the CE to the terms of the Protocols is important and that they will be an important orientation tool for new members. Ms. Myklebust suggested that the CE consider going back to two meetings a year, that it meet in person, and that it coordinate with the I-70 Coalition to prevent duplication and overlap. Several members of the CE reacted positively to meeting twice a year but official consensus will be solicited at the next meeting. Mr. Hall observed that there was little actual overlap between CE and I-70 Coalition membership.

***b. Addition of Grand Junction***

Mr. Coffin explained that Garfield County has determined it no longer wants to be a CE member and at the same time, Grand Junction has expressed a desire to become a new member. Mr. Wheelock emphasized the need for any new member to demonstrate an understanding of and commitment to the entire ROD, and that Grand Junction would need to do so at the September meeting. Mr. Hall asked whether Grand Junction would serve as a voice for the Western Slope or just the City of Grand Junction.

Erik Mocko from the City of Grand Junction was asked to explain their interest in joining the CE. He explained that the I-70 mountain corridor is critical to the west slope, relying on it for access to health care and the delivery of goods, and that decisions made by the CE significantly impact the community. He could not speak for City Council, but staff agrees with and supports the ROD. He added that the city's transit wants to connect and partner with AGS. He plans to take today's discussion back to Council and to regional partners and come back with additional supportive information for the CE.

Ms. Loevlie asked Mr. Mocko to clarify whether Grand Junction would be representing the west slope or just the City. Mr. Mocko responded he envisions Grand Junction representing the western corridor but that he would go back and talk with other western corridor communities to confirm.

Mr. Wheelock reiterated the importance of CE members supporting not just what is best for their own interest but also for the interest of the CE as a whole and for the ROD. Mr. Mocko said Grand Junction would bring that perspective.

Mr. Katz stated there are two questions we are asking of Grand Junction: how does Grand Junction fit into the matrix of the CE, and what is Grand Junction's motivation and does it agree with and support the ROD? He added that there may be further changes the CE may want to make to the Operating Protocols about adding additional members and that members who have ideas should send those to the co-chairs prior to the September meeting. Mr. Hall reiterated the importance of ensuring balanced representation by the corridor, not that every perspective is represented.

##### **5. Updates and Discussion on AGS/Transit and Capacity**

Mr. Wheelock began the discussion by providing some historical context. He explained that before the ROD's Maximum Program can be considered, AGS must be evaluated and found feasible or not feasible. AGS must meet certain capacity and other requirements. An AGS feasibility study was conducted in 2014 which found the cost of a system meeting those requirements was between \$16 and \$20 billion.

During the 2020 Reassessment, the CE concluded that more work was needed to address the aggregated environmental impacts of the transportation system over time as opposed to the impacts of a particular project, that the CE needed to re-examine the capacity assumptions of the ROD and how those assumptions fit into consideration of an AGS, and that insufficient progress has been made on the progress on AGS. Those findings led to the formation of subcommittees for capacity and for AGS. The Capacity Subcommittee's consideration of capacity prompted the realization that we need to re-think how many people the mountain communities and the public lands can sustain, but this determination is outside the scope and role of the CE. Moreover, that would be a long and very complex issue to resolve.

Consideration of those issues led the subcommittee to conclude that it should explore two issues: AGS funding options and developing transit technologies. Mr. Wheelock concluded by saying that he envisions the subcommittee presenting a report on the technologies that might work and be affordable for the corridor at its first meeting in 2024. He added that there might be the need for CDOT technical support for this analysis and there might be a need to secure some financial support for technical analysis.

Mr. Krutsinger added appreciation for Mr. Riggs' recent high-level analysis of technologies that showed there are a few technologies that are getting closer to being technologically and financially viable.

Mr. Katz asked if the financial analysis being done by the Front Range Passenger Rail District for the Front Range system could also be used to inform financial considerations for high-speed transit in the mountain corridor. He added that the District will likely go to the voters to raise funds at some point and will also explore how to raise money from property taxes and development fees and the ideas they generate could inform funding strategies for the mountain corridor. Mr. Wheelock agreed.

Mr. Hall asked if there was consensus with the direction of the AGS Transit to continue exploring funding options and the evolution of technology as well as continuing to support highway-based transit. Mr. Wheelock added that another recommendation of the subcommittee is to park the capacity discussion. Mr. Hall added that there are two opportunities on the capacity issue. One is the next planning process that is

getting underway and the timeframe for that goes to 2050, so getting involved in that will help advance the capacity discussion. The second is the new Forest Management Plan for the White River National Forest. Mr. Bianchi provided some background on that plan, which will take 4 to 5 years to complete. That plan will look at capacity issues.

Ms. Wilson provided an update on the status of CDOT's new travel demand model, noting that the pilot survey CDOT issued went well, generating a significant number of responses. CDOT currently anticipates implementing the full survey in September.

The discussion concluded with CE consensus with the direction of the AGS Transit Subcommittee.

## **6. CDOT Project Updates**

Ms. Myklebust provided a description of projects planned for Region 1.

Ms. Berdoulay provided a description of projects planned for Region 3.

## **7. Report from Front Range Passenger Rail District**

Andy Karsian provided an update to the CE on the Front Range Passenger Rail District.

Long term, the district hopes to assist in meeting Colorado's growing demand for expensive transportation in complex corridors. In 2021, the Front Range Passenger Rail District was created and voted into law with the main goals of designing, building, and operating a passenger rail service throughout Colorado's Front Range. The district plans to utilize existing BNSF track initially to save cost and resources. Mr. Karsian estimates the ballot initiative will occur sometime in 2026, although it may be delayed. Furthermore, it is the first step to establish partnerships that will be crucial for the future success of a passenger railway in the Front Range. As a whole, Colorado's railway system lacks necessary resources and funding.

Mr. Coffin asked how much the Service Development Plan (SDP) cost. Mr. Karsian said approximately \$3 million.

Mr. Tone asked about the District's plans for public and community outreach. Mr. Karsian responded that through their SDP, they have started corridor segment outreach and that the District will continually do community outreach with their website offering ways to get engaged and sign up for updates. Mr. Tone asked about membership on the District, and Mr. Karsian explained it includes all COGS, the rail industry, RTD, and CDOT. There are a total of 17 voting members and 7 governor appointees who are non-voting.

Ms. English asked about the relationship between the District and Amtrack. Mr. Karsian explained that Amtrack operates passenger rail and therefore is eligible to be an operator. The main reason, however, is they have a federal statutory right to operate on freight rail lines.

Mr. Wheelock asked what safeguards there are to prevent displacement of passenger rail capacity by increased freight demands, since the railroads assert that freight makes their profit, whereas passenger rail does not pay for itself? Mr. Karsian did not know the answer but speculated that there would be an operating agreement with the freight railroad that would address this issue.

3:09:38

## **8. FHWA Updates**

Ms. Cramer introduced Mr. Julian Gonzales, FHWA's new team leader for Region 1.

**9. Corridor Updates**

Stefi Szrek (Jefferson County) reported that Jefferson County is starting the process of updating their Comprehensive Plan which includes their Transportation Mobility Plan.

**10. Remaining Business and Adjourn**

There was no additional business and Mr. Coffin adjourned the meeting.