

MINUTES OF THE REGULAR MEETING OF THE
BOARD OF DIRECTORS

OF THE

ROCKY MOUNTAIN RAIL AUTHORITY Held: Friday,
January 08, 2010, at 1:00 p.m. at the Jefferson County
Administration Building, Lookout Mountain Room, 100
Jefferson County Parkway, Golden, CO 80401.

Attendance:

A meeting of the Board of Directors of the Rocky Mountain
Rail Authority was scheduled in compliance with the laws of
the State of Colorado, with the following Board members in
attendance;

Harry Dale, Chair, Clear Creek County (Commissioner)
Doug Lehnen, Vice Chair, Town of Castle Rock (Council)
Gail Drumm, Town of Monument (Council)
Larry Brooks, Town of Avon (Staff)
Rick Garcia, City and County of Denver (Council) (via
teleconference)
Steven Koster, Douglas County (Staff) (via teleconference)
Greg Schroeder, Eagle County (Staff) (via teleconference)
Forrest Whitman, Gilpin County (Commissioner) (via
teleconference)
Bob Bowland, Idaho Springs (Council)
Kate Newman, Jefferson County (Staff)
Harold Anderson, City of Lone Tree (Council)
Diane Mitsch-Bush, City of Craig (Alternate) (via
teleconference)
Diane Mitsch-Bush, Routt County (Commissioner) (via
teleconference)
Diane Mitsch-Bush, Steamboat Springs (Alternate) (via
teleconference)
Diane Mitsch-Bush, Oak Creek (Alternate) (via
teleconference)
Diane Mitsch-Bush, Town of Yampa (Alternate) (via
teleconference)
Diane Mitsch-Bush, Hayden (Alternate) (via teleconference)
Lee Behrens, Georgetown (Council) (via teleconference)
Tresi Houpt, Garfield County (Commissioner) (via
teleconference)
Bob Briggs, Westminster (Council)
Greg Hall, Vail (Staff) (Alternate)
Robert Larsen, Thornton, (Staff) Alternate)
Bob French, Summit County, (Commissioner) (via
teleconference)

Also present were:

Jennifer Ivey, Icenogle, Norton, Smith, Blieszner, Gilida &
Pogue, P.C. (RMRA Attorney)

George Scheuernstuhl, DRCOG (Staff)
Mark Boggs, PBSJ, (via teleconference)
Rick Margolin, Innovo Energy Solutions
Don Moore, RTD Citizens Advisory Committee
Tom Mauser, CDOT

Identification of any Non-Board members on the Conference Call Line

Chairman Dale asked for all non-board members on the conference call to identify themselves. No one identified themselves.

Call to Order

Chairman Dale, noted that with only 23 members present, there was not a quorum of the Rocky Mountain Rail Authority.

Public Comment Period

Chairman Dale asked for any person wishing to come forward to address the RMRA Board with public comments. There were none.

Consideration of Approval of December 11, 2009 RMRA Board Meeting Minutes

Chairman Dale referenced the Board minutes from the December 11, 2009 Board meeting. He asked if there were any corrections. Spelling corrections were noted for Westminster and Jennifer Ivey.

December 2009 Financial Report

Chairman Dale told the Board that he spoke with Treasurer Tangen just prior to the meeting. Treasurer Tangen reported that the TEMS paid invoices of \$114,695 were submitted to CDOT for 80 percent reimbursement from the SB-1 grant and that he had not yet received the current grant reimbursement of \$91,756. Because of the holidays, it may be another week or more until this reimbursement will be received from CDOT. The \$91,756 reimbursement will allow RMRA to pay the TEMS August 2009 bill of \$39,360 and all outstanding invoices as of December 11, 2009 which were approved by the Board at the December 11, 2009 Board meeting (approximately \$83,000 including the TEMS August invoice).

Chairman Dale reported that the TEMS outstanding September/October 2009 invoice is \$7,035 which leaves a balance of approximately \$15,970 on the TEMS contract amount including Board approved amendments. All remaining payments to TEMS (\$23,005 total) will have to wait until the final grant submittal to CDOT is made later in January and then received by RMRA in February. The January RMRA payments eligible for grant reimbursement are expected to be approximately \$77,000. The remaining CDOT SB-01 grant balance is \$43,153, so even though \$77,000 will be submitted for eighty percent reimbursement, the final CDOT grant reimbursement will be \$43,153. This amount plus cash on hand will allow payment of all projected study bills through the end of March with a small cash balance of

2010 Study Schedule

approximately \$15,000 remaining.

Chairman Dale reviewed the 2010 study activities and study meeting schedule with the Board.

Friday, January 29

Distribute the complete TEMS response to the comment matrix to the Steering Committee.

Distribute the text to be included in the Final Report for the Freight Railroad Risk Assessment and the TEMS PowerPoint presentation to the Steering Committee.

Friday, February 5

Steering Committee meeting to review TEMS comment matrix responses and the Freight Railroad Risk Assessment text. Everyone should be leaving this meeting with a very clear understanding of what changes will be included in the revised final report.

Tuesday, February 9

Conference Call w/ Mark, Alex, Chip, Doug, Andy to reconfirm changes agreed upon in the Final Report at the February 5 Steering Committee meeting and reconfirm remaining meeting and deliverable schedule.

Friday, February 19

TEMS to deliver revised Final Report to Mark and Harry for distribution to Steering Committee.

Friday, February 26

Steering Committee Meeting to review revised Final Report and provide input to TEMS for any remaining changes for the version to be presented to the RMRA Steering Committee and Board on March 26.

Tuesday, March 2

TEMS to deliver the Executive Summary to Mark, Doug and Harry for distribution to the Executive Committee

Thursday, March 4

Executive Committee conference call to review the Executive Summary and provide input to TEMS.

Thursday, March 11

TEMS to deliver the revised Executive Summary to Mark, Doug and Harry for distribution to the Executive Committee

Monday, March 15

Executive Committee conference call to review the revised Executive Summary and provide input to TEMS for any

remaining changes for the version to be presented to the RMRA Steering Committee and Board on March 26.

Friday, March 19

TEMS to deliver final versions of the Executive Summary and Final Report to Mark and Harry for distribution to the Steering Committee and Board.

Friday, March 26

The Steering Committee and Board will consider adoption of the complete Final Report.

2010 Administrative Resolution

Chairman Dale indicated that since there was not a quorum at the meeting, no action could be taken on the 2010 Administrative Resolution. He stated that it will be considered at the February 5 Board meeting.

In addition, as specified in the RMRA Bylaws, it will be necessary to elect a Board of Officers at the February 5 Board meeting. The RMRA Bylaws state the following:

“The Officers shall be nominated and elected annually by the Board at the first meeting of the Board held on or after January 15. If the nomination and election of Officers shall not be held at those meetings, the nomination and election shall take place as soon thereafter as they may be conveniently held.”

Study Disclaimer/Preface

The Board discussed the Study disclaimers provided for the Board meeting and agreed that the Preface Director Moore had provided captured the concerns identified in previous Board meetings.

“The Rocky Mountain Rail Authority (RMRA) hereby submits the final report for the feasibility study conducted with an allocation from Senate Bill 97-001 transit funds and the contributions of 52 local governments and transportation special districts and authorities in Colorado. The study was conducted over a period of 22 months beginning in June 2008 and ending in March 2010. The Rocky Mountain Rail Authority worked closely with local municipal leaders and staff in both the I-25 and I-70 corridors to gather input on various aspects of the potential projects including alignment, technologies, station locations, community/social/economic issues, and more.

The RMRA Board is grateful for the professional management guidance provided by the consulting firm PBS & J and the uncountable hours of voluntary work by the members of the Feasibility Study Steering Committee and Board.

The RMRA Study demonstrates the feasibility of developing high speed transportation corridors generally paralleling two major Interstate highways in the Colorado. The corridors studied were I-70 from the Denver International Airport to Grand Junction and I-25 from Fort Collins to Trinidad. To illustrate one feasible alternative, a more detailed example was developed using the conservative assumptions required by current Federal Railroad Administration standards and currently available technology. That alternative is referred to as the FRA Technically Feasible Alternative; but should not be interpreted in any way to preclude the development of other alternatives based on emerging technologies better suited to one or both major corridors.”

Member Photo Layout for final Report

Chairman Dale explained that Director Putman was assembling a photo page of RMRA members for inclusion in the Feasibility Study Final Report. Director Putman requested a digital image of each Board Member and Alternate. The image should be originally 2" wide and 3" tall and have a resolution that is 200 x300 minimum. It should be in a jpeg, gif, or similar file type. Chairman Dale requested that member photos be emailed to Director Putman or to Chairman Dale by February 5, 2010.

Dissolution Resolution

Pending the completion of the feasibility study and the public release of the Final Report, the RMRA will have completed its initial mission. At the request of the RMRA Attorneys, Chairman Dale discussed a resolution that could terminate the RMRA at its final meeting. The Board could consider such a resolution at their March 26 Board meeting following the consideration of approval of the Final Report. Attorney Ivey explained that at the very least, the Dissolution Resolution could delegate any remaining duties of the Board to the Executive Committee, the Authority’s accountant/fiscal agent, the Authority’s legal counsel and/or any other agents or designees the Board may so choose; if the Board elects to terminate its activities and end regular Board meetings.

Although the exact next step in the pursuit of high speed passenger rail service in Colorado remains unclear, the feasibility study will undoubtedly produce a positive message for the feasibility of high speed passenger rail service in Colorado. The Board agreed that local governments and transportation districts across the state will likely continue to play a major and leading role in the pursuit of high speed passenger rail service in Colorado through 2010 and perhaps well beyond.

At the current time, it is unclear whether the new CDOT Division of Transit and Rail will have the resources, mission and desire to take a leadership role in the pursuit of true high

speed passenger rail service in Colorado. In addition, there will be a brand new Administration in Colorado in 2011 and it is uncertain how it will prioritize transportation and the pursuit of high speed passenger rail service. Although it has always been assumed that the RMRA would disband when the Final Report was completed and delivered to CDOT and the FRA, a local government entity may be required to continue to engage state and federal elected officials and other decision makers to advocate for high speed passenger rail service in Colorado.

The Board discussed an option to termination which might allow the RMRA to continue to advocate for high speed passenger rail service in Colorado, however in a lesser capacity than conducting a feasibility study and with only a modest or perhaps even a zero dollar budget. A dissolution resolution could be tailored to capture a changing role of the RMRA organization and delegate powers as necessary if regular meetings are unlikely to continue. A voluntary advocacy role (for example) may not require formal action by the Board on an on-going basis.

A period of dormancy was also discussed which would allow the organization to go dormant until formal decisions are necessary again.

The Board agreed to continue this discussion at the February 5 Board meeting, understanding that it will be necessary to provide instructions to RMRA's attorneys on February 5 relative to the language to be included in a March 26 Resolution.

FRA High Speed Intercity Passenger Rail Grant Award Process (HSIPR Program)

The Board discussed the FRA HSIPR Program grant award process in search of what the next step for the RMRA might be, once the feasibility study is completed. It appears that the Track 3 – Service Planning Activities might be the best fit for Colorado's next step in the federal HSR process.

From the FRA HSIPR Program Guidance document, June 2009:

“This track is aimed at helping establish a pipeline of future High-Speed Rail/Intercity Passenger Rail projects and service development programs by advancing planning activities for applicants at an earlier stage of the development process. Under Track 3, FRA will enter into cooperative agreements for preparation of Service Development Plans, State Rail Plans and service-level environmental documents. This Track provides States an opportunity to complete the prerequisite work needed to submit applications under Tracks 1 and 2, so that applicants may be ready for potential future solicitations. Under the terms of the FY 2008/2009 DOT Appropriations

acts, planning activities funded under this Track require a 50 percent non-Federal match.”

“A Service Development Plan (SDP) is a plan for developing High-Speed Rail/ Intercity Passenger Rail service, either initiating new service or improving existing service (e.g., adding train frequencies and/or reducing trip times) – typically focused on distinct phases and/or geographic sections of service improvement. A SDP or equivalent covers three general topics: (i) rationale (including purpose and need), (ii) service/operating plan and prioritized capital plan, and (iii) implementation plan (including project management approach, stakeholder agreements and financial plan).”

“Eligible planning studies are those that:

Lead to the completion of a Service Development Plan to support future applications under Track 2 –Programs;

Identify and compare the costs, benefits, and impacts of a range of transportation alternatives, including High-Speed Rail and/or Intercity Passenger Rail, as a means of providing decision makers with the information necessary to implement appropriate transportation solutions;

Support the preparation of environmental documents that are prerequisite to the fulfillment of Service NEPA; and

Consist of operational analyses and simulations, and projections of future service requirements, leading to systematic and rational priority lists of projects that could be eligible for PRIIA Section 301 or 302 funding, and could ultimately contribute to Service Development Plans.”

“The traditional pipeline for major transportation investments progresses from alternatives analysis to investment planning, preliminary engineering (PE) and environmental clearance, final design (FD), construction, and operations.”

“National Environmental Policy Act (NEPA) and related laws and regulations apply to all federal grant programs and requires Federal agencies to integrate environmental values into their decision-making processes by considering the environmental impacts of their proposed actions and reasonable alternatives to those actions. Agencies must also make information on these impacts and alternatives publicly available before decisions are made and actions occur. NEPA also mandates that all reasonable alternatives be considered, and to that end, an alternative’s analysis is typically conducted during the environmental review process.”

It appears that the HSR planning process involves a nominal sequence of events in order to be eligible for FRA funding for construction of a state HSR project.

1. Completion of a State Rail Plan
2. Completion of a Passenger Service Development Plan
3. Completion of the Environmental Review Process –
 - a. NEPA Programmatic or service level environmental impact statement, or Tier 1 environmental impact statement
 - b. Site specific, or project environmental impact statement
 - c. Environmental assessment
 - d. Categorical exclusion
4. Preliminary Engineering
5. Final Design

The good news is that most of the planning process is eligible for 50 percent federal funding under HSIRP Program Track 3.

It is expected that the 2009 HSIPR Program grant award winners will be announced in early February following the President's State of the Union Address.

State Rail Plan

The RMRA Board understands that CDOT is moving forward on a State Rail Plan but that is the extent of the "next steps" currently identified in Colorado for the pursuit of high speed passenger rail service.

A future role for RMRA could be to advocate for FRA grant funding through a HSIPR Program Round 2, Track 3 application for the completion of a Service Development Plan which could utilize much of the information in the current RMRA HSR Feasibility Study. RMRA might also advocate for FRA grant funding through a HSIPR Program Round 2, Track 3 application to begin the NEPA environmental review process for the RMRA HSR study network.

The Board agreed to ask Mark Boggs and the TEMS team for a "next step" recommendation as part of the implementation plan portion of the feasibility study. Mark will report back to the Board at the February 5 Board meeting.

Next RMRA Board Meeting

Chairman Dale stated that the next RMRA Board meeting will be on Friday, February 5, 2010 at 1 pm in the Jefferson County Courts and Administration Building, Lookout Mountain Room.

Adjournment

In that there were no further items of business to discuss, the meeting stood adjourned at 2:25 p.m.

Secretary of the Meeting