

# RECORD OF PROCEEDINGS

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## MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS

OF THE

ROCKY MOUNTAIN RAIL AUTHORITY Held: Friday,  
May 1, 2009, 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, Secretary, Town of Monument (Council)  
John Tangen, RFTA Controller, Fiscal Agent RMRA (via teleconference)  
Rod Bockenfeld, Arapahoe County (Commissioner)(via teleconference)  
Steven Koster, Douglas County (Staff)  
Greg Schroeder, Eagle County (Staff)  
Lee Behrens, Georgetown (Council)  
Dave Sturgis, Glenwood Springs (Council) (via teleconference)  
Robert Bowland, Idaho Springs (Council)  
Robert Valdez, Las Animas County (Staff)(via teleconference)  
Wayne Williams, PPRTA (Commissioner)(via teleconference)  
Dorothea Farris, RFTA/Pitkin County (representative)  
Bill Christopher, RTD (Board) (via teleconference)  
Diane Mitsch-Bush, Routt County (Commissioner)  
Diane Mitsch-Bush, Craig (alternate)  
Diane Mitsch-Bush, Oak Creek (alternate)  
Karen Tussey, Town of Yampa (Council) (via teleconference)  
Pete Morlan, Trinidad (Council) (via teleconference)  
Mark Gordon, Town of Vail, (Council)  
David Downing, City of Westminster (Council)  
Gene Putman, City of Thornton (Staff)  
Kate Newman, Jefferson County (Staff)  
Larry Brooks, Town of Avon (Staff)  
Janice Finch, City and County of Denver (Staff) (via teleconference)  
John Hoffman, Town of Carbondale (Council)  
Tresi Houpt, Garfield County (Council)(via teleconference)  
Tom Rogalski, Hayden (Council) (via teleconference)  
Walter McGill, Steamboat (Council) (via teleconference)  
Doug Rademacher, Weld County (Commissioner) (via teleconference)

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**Also present were:**

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

Mark Boggs- PBS&J (RMRA Project Director)

Scott Meszaros- Town of Monument (Staff)

George Scheuernstuhl, DRCOG (Consultant)

Tom Mauser- CDOT (Staff)

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

Chair Dale asked for all non-board members on the conference call to identify themselves. None identified.

Call to Order

Chair Dale, upon the presence of quorum, called to order the meeting of the Board of Directors of the Rocky Mountain Rail Authority at 1:18 pm.

Public Comment Period

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

Consideration of Approval of New Member Jurisdictions

Ms. Jennifer Ivey, RMRA Attorney representative stated that there are two new member jurisdictions (the City of Golden and Carbondale) which have submitted paperwork for consideration of approval at this meeting.

Chair Dale stated that this takes us to fifty-two (52) approved members if they are approved. He encouraged all to attend as there are only three or four remaining RMRA Board meetings.

Director Farris moved, Director Putman seconded approval of Golden and Carbondale as new members of the RMRA Executive Board. Passed.

Director Putman commented that upon final approval of the document for the Final Study, all members should attempt to attend and a photograph should be taken for inclusion with any application submittals.

Review of Members, Alternates and Contact Information

Chair Dale asked if there are any amendments to the contact information. None were noted.

Alternatives Analysis Workshop, 4-24-09 and Budget Discussion

Chair Dale discussed extending the contract dates with the Peer Reviewers until August 31<sup>st</sup> due to the unforeseeable time delays due to recent meeting cancellations due to weather.

a. Study Schedule Update and Workshop Delay Expenses

b. Workshop Request for alternative

Ms. Jennifer Ivey, RMRA Attorney representative explained

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- analysis numbers for HSR system option that does not require R2C2 and allows Non FRA buff strength compliant vehicles to run on the entire truncated system
- c. Corridor Input Team Meeting Summary
  - d. Remaining Steps and Remaining Budget to Complete the Study
  - e. Steering Committee Recommendation for the Alternative to move forward in the Study

that the contracts were done initially through March 31<sup>st</sup>. She explained the contracts and inclusion of wording relating to Amendment 54 requirements.

Director Putman moved, Director Hoffman seconded approval of extending the contracts with the Peer Reviewers through August 31<sup>st</sup>, 2009. Passed.

Director Tangen stated that the Peer Reviewers have essentially donated their time and services as only the reimbursement of mileage and expenses are being paid to them. Chair Dale thanked the Peer Reviewers for providing their services.

Chair Dale presented the Steering Committee recommendation for the alternative to move forward in the study with. He stated that “We” have elected to move forward one alternative into the business development phase of the study. The recommendation is a “truncated 220 EMU phased approach”.

Director Putman stated that the 220 description should be amended to “7 percent grade capable EMU”.

Chair Dale responded the alternative is the 7 percent grade capable High Speed Tilting EMU technology in both the I-25 and I-70 corridors. The I-25 corridor will extend from Fort Collins to Pueblo and the I-70 corridor will extend from DIA to Eagle County Airport. This high speed passenger rail alternative is interoperable between the two corridors and has the potential to provide a one seat ride between the two corridors.

The corridor routes are largely in highway and roadway right of way (I-70, US 6, E-470, C-470, I-25, SH 9 and 96<sup>th</sup> Street) or Greenfield locations south of Castle Rock with use of the Brush Line and Consolidated Main Line in the Metro Denver area.

In the business plan development phase of the study the Steering Committee recommends that TEMS should be instructed to consider some of the unconstrained 4 percent alignment sections in the I-70 corridor (previously evaluated in the study with the high speed electric locomotive technology) with the 7 percent grade capable High Speed Tilting EMU technology to see if we can obtain any capital cost and operating savings, increased speeds and increased ridership (based on better station locations) in the I-70 corridor between DIA and Eagle County Airport. He added that the committee recommends that TEMS perform a capital cost and ridership analysis for the following secondary corridors not included in the business plan alternative:

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1. Fort Collins to Cheyenne
2. Pueblo to Trinidad
3. Copper Mountain to Leadville
4. Eagle County Airport to Glenwood Springs
5. Eagle County Airport to Aspen (through the Cottonwood Pass Tunnel)
6. Glenwood Springs to Aspen
7. Glenwood Springs to Grand Junction
8. Wolcott to Steamboat Springs/Hayden/Yampa Valley Airport/Craig
9. Dotsero to Steamboat Springs/Hayden/Yampa Valley Airport/Craig

Director Mitsch-Bush stated that the spurs need to be individually broken down by ridership/cost (infrastructure).

Directors Morlan and Valdez voiced concerns regarding Trinidad not being part of the truncated main system. Both stated that they feel as though their portion of the system being left out essentially means they will never be incorporated.

Chair Dale discussed the study and ridership numbers. He addressed Black Hawk (1.2 million annual boardings) and Breckenridge/Keystone being included in the main truncated portion of the system due to the high volume of ridership. The portion from Pueblo to Trinidad was identified at .2 million annual boardings from the data; therefore it was not included and was identified as one of the spurs. He stated that if all of the spurs are included into the study as part of the truncated system, the feasibility is below the 1.0 cost to benefit ratio FRA requirement and the study fails. Therefore if this is the only information being sought, we would be done with the study.

Following lengthy discussion, Director Williams moved, Director Lehnen seconded approval of a motion that the proposed alternative is the 7 percent grade capable High Speed Tilting EMU technology in both the I-25 and I-70 corridors. The I-25 corridor will extend from Fort Collins to Pueblo and the I-70 corridor will extend from DIA to Eagle County Airport. This high speed passenger rail alternative is interoperable between the two corridors and has the potential to provide a one seat ride between the two corridors. Motion passed, Directors Morlan and Valdez voted no.

Chair Dale discussed mitigating risks outside the scope of the FRA criteria. There are three significant concerns that fall outside the FRA criteria for feasibility, however they remain important Colorado considerations for determining high speed passenger rail feasibility based largely on the local experience

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with the Freight Railroads.

The Steering Committee upon the Board's approval wishes to ask the TEMS Team to provide price quotes for additional study work to obtain the following information:

1. Examining additional capital, operating and other costs associated with the 7 percent grade capable High Speed Tilting EMU technology in the complete network from DIA to Eagle County Airport and from Fort Collins to Pueblo that is vertically and/or horizontally separated enough from Freight Trains in Railroad Corridors or at the edge of the Railroad Corridors (largely in Metro Denver, but to also included everywhere else in the Network) so that non FRA buff strength compliant passenger trains can be used everywhere in this system. This request does not mandate complete separation from the Freight Railroad Corridors, but does require the ability to run non FRA buff strength compliant passenger trains in or immediately adjacent to the Freight Railroad Corridors.

This request will address the potential risks associated with availability, cost and potential performance penalties with the conversion of current non compliant European and Japanese high speed passenger rail vehicles to FRA buff strength compliant vehicles (since we would be able to run non compliant vehicles on such a network). The TEMS Team had assumed a 30 percent cost penalty and a 10 percent weight penalty in their alternative analysis calculations to date for conversion of European or Japanese high speed passenger rail vehicles to meet American FRA requirements for sharing right of way with Freight Trains. Since these numbers were factored into the alternative analysis, there has been a reasonable attempt to mitigate this risk, although we might still like to see the guideway infrastructure costs necessary to allow the operation of non compliant vehicles.

This request will not necessarily address the need or absence of the need to build the Eastern Freight Rail Bypass as defined in the R2C2 Study.

2. Examining additional capital, operating and other costs associated with the 7 percent grade capable High Speed Tilting EMU technology in the complete network from DIA to Eagle County Airport and from Fort Collins to Pueblo that is completely outside the

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Freight Railroad Corridors everywhere in the network. This option would require high speed passenger trains to operate completely in roadway right of way or Greenfield alignments from Fort Collins to Pueblo and DIA to Eagle County Airport. It would also not only allow us to run non FRA buff strength compliant passenger trains, but would negate the need for any negotiated agreement with the Freight Railroads for high speed passenger rail service in Colorado.

This request will address the potential risks associated with negotiating a satisfactory agreement with the Freight Railroads for operating passenger rail service within their right of way, since we would not be touching their right of way anywhere in the network. It will also eliminate the potential risks with the Eastern Freight Rail Bypass, since under this scenario; an Eastern Freight Rail Bypass would not be needed to facilitate high speed passenger rail service in Colorado.

3. Examining what impact these additional capital, operating and other costs associated with the 7 percent grade capable High Speed Tilting EMU technology in the complete network from DIA to Eagle County Airport and from Fort Collins to Pueblo in either scenario (described above in items 1 and 2 above), will have on the alternative's operating ratio and the cost to benefit ratio. We might expect that for both scenarios, the use of non complaint vehicles might reduce the actual rail vehicle costs, since the European or Japanese vehicles would not have to be converted to an American version for FRA compliance. This might to some extent offset the cost of the additional guideway infrastructure required in both scenarios above.

To date, all the high speed passenger rail alternatives evaluated in the RMRA Study assume that the Eastern Freight Rail Bypass is built and in place which provides enough room in the Joint Line through Metro Denver to run high speed passenger trains. Without a Colorado high speed passenger rail option that does NOT require the use of the Joint Line through Metro Denver and does NOT require building the Eastern Freight Rail Bypass (as defined in the R2C2 Study) we have no way to accurately measure the value of building the Eastern Freight Rail Bypass and no way to understand the true value of using the Freight Railroad Joint Line in Metro Denver.

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Without this critical information we are at a considerable disadvantage in any future negotiations with the Freight Railroads for the use of their Joint Line or even if the use of their Joint line is necessary for high speed passenger rail service in Colorado.

The Steering Committee believes there are options for high speed passenger rail service outside the Freight Railroad Corridors in Metro Denver that can eliminate the need to use the Freight Railroad Joint Line in Metro Denver and the need for the Eastern Freight Rail Bypass. These options would allow Colorado decision makers to pursue high speed passenger rail service throughout the state absent the need for any cooperation by or with the Freight Railroads.

Many of us in Colorado find a high speed passenger rail option completely outside the jurisdiction of the Freight Railroads to be extremely attractive, especially when considering the recent and continuing RTD Fastracks difficulties with the Freight Railroads. The Freight Railroads are often viewed as an obstacle to passenger rail service in Colorado and avoiding them may be considered a much more feasible option for high speed passenger from a local Colorado perspective.

We have also identified the absence of the evaluation of a high speed passenger rail option for Colorado that does NOT require the use of the Freight Railroad Joint Line in Metro Denver and building the Eastern Freight Rail Bypass as a fairly significant gap between the R2C2 and RMRA Studies. We believe this gap must be closed in order to give Colorado's decision makers the information they need to understand whether or not the Eastern Freight Rail bypass is a good investment for Colorado and should be included in the implementation plan for high speed passenger rail service in Colorado.

To assist in paying for the additional examination Tom Mauser commented that there may be leftover R2C2 funds, however there may be a concern about transfer of funds (Federal to State). Additional contingency money directly from the Commission may be available with a 50/50 match requirement.

Chair Dale commented that the I-70 Coalition, CDOT, and perhaps up to \$50,000 from Clear Creek County may be available to fund the additional scope of work and reimbursement of these funds may be an option if funds remain at the end of the study.

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March Financial Report & Approval of Bills Director Tangen, RMRA Controller, detailed the Balance Sheet/ Statement of Net Assets as provided in the packet “unaudited” he specified through March 31, 2009. He stated that the authority is up to date and current on all billings. He detailed the Accounts Receivable/Accounts Payable. He stated that the member contributions outstanding total less than \$10,000 currently. The Account Payables were detailed and a request for \$95,685 to pay them was requested by Director Tangen.

Chair Dale asked what the insurance coverage does for the RMRA. (\$1700 disbursement to T Charles Wilson).

Ms. Jennifer Ivey, RMRA Attorney representative stated that the insurance covers general liability due to negligence. She explained that this contract will extend the insurance through May 14, 2010.

Director Mitsch-Bush moved, Director Lehnen seconded approval of paying bills as presented in the Accounts Payable. Passed.

Expression of Interest to the FRA in Implementing a High-Speed Intercity Passenger Rail Corridor

Chair Dale asked for a motion to assign additional reviews (as outlined during the Steering Committee recommendation) to TEMS as determined by the Steering Committee (he pointed out only upon the identification of necessary funds being identified). Director Gordon moved, Director Hoffman seconded motion as specified. Passed.

Chair Dale requested that a draft letter of interest that he (Chair) and the TEMS Team be given the authority to draft and sign that will express to the FRA that Colorado has intent and interest in obtaining NEPA funds. Director Putman moved, Director Farris seconded motion as requested. Passed.

Tom Mauser suggested that a list of all RMRA members be attached to such a letter of intent.

Next RMRA Board Meeting

Chair Dale stated that the next Board meeting will be held on May 22<sup>nd</sup> at 1:00pm, Jefferson County Courthouse, Lookout Mountain Room.

Adjournment

In that there were no further items of business to discuss, the meeting stood adjourned at 3:15 p.m.

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Secretary of the Meeting