

RECORD OF PROCEEDINGS

MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS

OF THE

ROCKY MOUNTAIN RAIL AUTHORITY Held: Friday,
June 26, 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)
Larry Brooks, Town of Avon (Staff)
John Hoffman, Town of Carbondale (Council) (via teleconference)
Terry Carwile, City of Craig (Council) (via teleconference)
Janice Finch, City and County of Denver (Council) (via teleconference)
Steven Koster, Douglas County (Staff)
Greg Schroeder, Eagle County (Staff) (via teleconference)
Lee Behrens, Georgetown (Council) (via teleconference)
Forrest Whitman, Gilpin County (Commissioner) (via teleconference)
Robert Bowland, Idaho Springs (Council)
Kate Newman, Jefferson County (Staff)
Harold Anderson, City of Lone Tree (Council)
Bill Moore, Pueblo County (Staff)
Pepper Whittlef, City of Pueblo (Staff) (via teleconference)
Dorothea Farris, RFTA/Pitkin County (representative) (via teleconference)
Bill Christopher, RTD (Board) (via teleconference)
Diane Mitsch-Bush, Routt County (Commissioner) (via teleconference)
Diane Mitsch-Bush, Steamboat (Alternate) (via teleconference)
Diane Mitsch-Bush, Oak Creek (Alternate) (via teleconference)
Diane Mitsch-Bush, Hayden (Alternate) (via teleconference)
Robert Larson, City of Thornton (Staff)
Karen Tussey, Town of Yampa (Council) (via teleconference)
Doug Rademacher, Weld County (Council) (via teleconference)
Bob Briggs, City of Westminster (Council)

RECORD OF PROCEEDINGS

Mark Gordon, Town of Vail (Council) (via teleconference)

Also present were:

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

Scott Meszaros- Town of Monument (Staff)

Flo Raitano- I-70 Coalition Executive Director

George Scheuernstuhl, DRCOG (Consultant)

Bob Leilich - Peer Review Panel

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 1:12 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 May 22, 2009 RMRA Board Meeting Minutes

Chair Dale asked if there are any corrections to the minutes of May 22, 2009.

Director Moore commented that he is the Primary not an Alternate for Pueblo County on the attendance. Correction was made and noted.

Director Moore moved, Director Anderson seconded, approval of the May 22, 2009 Minutes as amended. Passed.

May 2009 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 May 31, 2009. He stated that the authority is up to date and current on all billings. He stated that the cash balance as of the Board meeting is \$151,339. He detailed the Accounts Receivable/Accounts Payable. The Account Payables were detailed and a request for \$6,425 to pay the May 2009 PBS&J, \$2,544 for T. Charles Wilson (Insurance) and May 2009 Attorney fee invoices was requested by Director Tangen.

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

Consideration of Amendment to PBS&J contract for July and August 2009

Chair Dale stated that an amendment of our contract with "TEMS" for tasks 1-5 has been drafted. Exhibit "A" outlines

RECORD OF PROCEEDINGS

tasks for the additional services which includes a C470 route analysis, but at a higher level (less detail) than the initial alternative analysis. The task 5 C470 alignment will be evaluated similar in terms of cost per mile as the Greenfield portions of the I-25 alignment south of Denver evaluated in the initial alternative analysis. The Board recognizes that the C470 alignment evaluated in the task 5 risk assessment will be a different (higher) level of analysis than previously received. Chair Dale referred to the handout "Projected Cash Flow _ Revised 381/RMRA Rail Feasibility Study" stating that the Board does have budget to accomplish the amended contract work. He stated that CDOT is diligently working to identify additional funds for approval which are necessary for 50 percent of the completion of Task 5. He asked the Board to grant the Executive Committee the authority to approve an agreement with CDOT for Task 5 (Task Order), and the Executive Committee to grant the Chair the authority (upon approval) to execute the supplemental agreement with TEMS.

Mr. Ed Icenogle, RMRA Attorney stated that the amended contracts do meet "Amendment 54" compliance.

Director Moore moved, Director Lehnen seconded approval of the contract amendment with PBS&J for the sum of \$5,500 for extended Project Management Services in July 2009. Passed.

Director Christopher moved, Director Bowland seconded allocating the Executive Committee the authority to approve an agreement with CDOT for Task 5 (Task Order), and the Executive Committee authority to grant the Chair (upon approval) the authority to execute the agreement with TEMS. Passed.

Consideration of RMRA Budget
Amendment for 2009

Director Lehnen commented that Castle Rock and Douglas County have contributed an additional \$500 each as Avon did at the previous meeting.

Chair Dale stated that these additional contributions are welcomed. He reviewed the 2009 Contributions Budget handout noting the additional \$1500.

Mr. Ed Icenogle, RMRA Attorney advised conducting the Public Hearing at this time for the 2009 RMRA Budget Amendment and then acting on a motion at the next meeting.

Chair Dale opened the Public Hearing for the RMRA 2009 Budget Amendment. Seeing no public comment, the public hearing was closed and he asked for a motion to continue the 2009 Budget Amendment until the July Board meeting.

RECORD OF PROCEEDINGS

Director Anderson moved, Director Brooks seconded continuing the 2009 RMRA Budget Amendment until the July, 2009 Board meeting. Passed.

Study Update

1. Exhibit A
2. Executive Committee Member to attend Freight Railroad Meetings w/TEMS Team
3. Ridership/Modeling Peer Review Panel Session
4. Final Peer Review Panel Session scheduled for July 22 and 23

(Item #1 previously discussed in minutes).

Chair Dale stated that the Board should decide which Executive Committee member to send (Item #2).

Director Moore nominated Vice Chair Lehnen, seconded by Chair Dale. Secretary Drumm was identified as an alternate should Vice Chair Lehnen not be able to attend. Passed.

Chair Dale stated that expenditure for travel (Item #2) should be allocated from the additional contributions earlier identified during the meeting (\$1500 coming from Castle Rock, Douglas County, and Vail). He stated that the final PBS&J payments for July and August would be the remaining budget "X" minus the \$1500.

Chair Dale stated (Item #3) that there is not standardization (widely known and accepted methodology) on an intercity passenger rail model. The questions from the Peer Review Panel did not threaten the validity of TEMS, however one overriding problem is that Peer Review Panel members could ultimately undermine the credibility due to the fundamental differences in dimensional analysis between urban and intercity modeling. It was discussed that the TEMS methodology appears to be sound, and the ridership numbers derived also appear sound. Discussion regarding Colorado being a "unique animal" due to tourism and recreation travel demand and concern around the "sensitivities to parameters" of the overall model. In other studies ridership is typically based upon commuter travel demand which is not truly representative to Colorado travel demand and ridership levels.

Ms. Flo Raitano, I-70 Coalition, brought up providing a contribution to offset additional costs to bring in "Lawrence Blow" who is a MagLev expert to the Peer Review Panel who may be able to evaluate and add additional credibility.

Vice Chair Lehnen and Director Christopher both stated that they do desire to have additional knowledge available on the Peer Review Panel (at the I-70 Coalition's cost and offer) as the Board will ultimately make any final decisions and having the additional expertise would only enhance the peer review process.

RECORD OF PROCEEDINGS

Mr. Ed Icenogle, RMRA Attorney stated that contributions could be made from any party and the I-70 Coalition contributing to offset the additional cost of the additional Peer Review Panel member is fully allowable.

Chair Dale stated that the peer review contributes credibility to the study through a comprehensive evaluation of the study methodology and findings. The inclusion of Mr. Blow does not in any way change the decision already made to move forward a 7% grade capable tilting EMU in the study process, however since Mr. Blow has offered his expertise and the I-70 Coalition has offered to pay his expenses, it would seem that we should take advantage of this offer.

Director Mitsch-Bush moved, Director Christopher seconded inviting Mr. Blow to attend the Peer Review Panel on July 22nd and 23rd to be paid for with the contribution funds from the I-70 Coalition. Passed by 16-5 vote.

Next Steps- RMRA Beyond the Rail Feasibility Study?

Chair Dale proposed the question “what are the next steps” for the RMRA. Is there a need for a subsequent study that fills any unmet gap in information between our current FRA based feasibility study and the I-70 West PEIS, the R2C2 Study, the North I-25 EIS or even efforts for a Guideway 21 potential new high speed passenger rail standard and commercial viability study for Colorado? With the newly formed division at CDOT, perhaps they should move forward after the RMRA study. It is possible that the Board would recommend a “NEPA” detailed study, progressing with the FRA’s High Speed Rail Corridor designation.

Director Briggs addressed the fact that the FRA process at the time of the initial Colorado inquiry for high speed rail corridor designation, defined two study phases, the first being the question of Feasibility which the current study will complete. The second appeared to be some kind of capacity study which would fall to the FRA to complete

The Board discussed initiating a meeting with FRA not only to understand the previous FRA high speed rail corridor designation process, but more importantly to under the current FRA process for high speed rail corridor designation and eligibility for federal funding for high speed rail in Colorado.

Director Christopher stated that he would have the RTD Rail Contact “Henry” forward the FRA contact person’s information on to Chair Dale.

Chair Dale stated that it would be helpful to understand what the previous FRA process was, however in order to take the appropriate “next steps” we ought to understand the current

RECORD OF PROCEEDINGS

FRA process. He hoped that RTD's FRA contact could discuss what the future process for high speed rail corridor designation and FRA eligibility may entail with the understanding that the process seems to be fairly dynamic under the new administration.

Next RMRA Board Meeting

Chair Dale stated that the next Board meeting will be held on July 24th at 1:00 pm, Jefferson County Courthouse, Lookout Mountain Room.

Adjournment

In that there were no further items of business to discuss, the meeting stood adjourned at 3:04 p.m.

Secretary of the Meeting