

MINUTES OF THE REGULAR MEETING OF THE
BOARD OF DIRECTORS

OF THE

ROCKY MOUNTAIN RAIL AUTHORITY Held: Friday,
September 25, 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) (via teleconference)
Greg Schroeder, Eagle County (Staff) (via teleconference)
Forrest Whitman, Gilpin County (Commissioner) (via
teleconference)
Mary Jane Loevlie, Idaho Springs (Staff)
Will Kearns, Jefferson County (Staff)
Harold Anderson, City of Lone Tree (Council)
Wayne Williams, Pikes Peak Regional Transportation
Authority (Commissioner) (via teleconference)
Bill Moore, Pueblo County (Staff) (via teleconference)
Bill Moore, City of Pueblo (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 Hayden (alternate) (via
teleconference)
Gene Putman, City of Thornton (Staff)
Karen Tussey, Town of Yampa (Council) (via teleconference)
Dorothea Farris, Pitkin County (Staff) (via teleconference)
Lee Behrens, Georgetown (Council) (via teleconference)
Michael Penny, Town of Frisco (Staff) (via teleconference)
Bill Christopher, RTD (Board) (via teleconference)

Also present were:

Tamara Gilida, Icenogle, Norton, Smith, Blieszner, Gilida & Pogue, P.C. (RMRA Attorney)
George Scheuernstuhl, DRCOG (Staff)
Flo Raitano, I-70 Coalition (Staff)
Randy Grauberger, PB
Miller Hudson

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, 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

Chairman Dale asked for any person wishing to come forward to address the RMRA Board with public comments. Director Hoffman asked if he could make a statement later under the RMRA Study Schedule part of the agenda.

Consideration of Approval of August 28, 2009 RMRA Board Meeting Minutes

Chairman Dale referenced the Board minutes from the August 28, 2009 Board meeting. He asked if there were any corrections to the minutes of August 28, 2009.

There were no corrections.

Director Putman moved, Director Anderson seconded, approval of the August 28, 2009 Minutes. Passed.

August 2009 Financial Report and approval of bills

Chairman Dale reviewed the Projected Available Cash portion of the financial report on page 2. Cash on hand for RMRA is \$8,265, with a current total of \$233,602 in reimbursements owed to RMRA from the CDOT SB97-01 grant award. Assuming CDOT payment for the eighty percent reimbursement for submitted study expenses, RMRA would have a balance of \$241,867. This would leave approximately \$17,000 remaining on the CDOT SB97-01 grant award. After all estimated study expenses and grant reimbursements, RMRA would have \$24,023 left over. This includes an additional \$10,000 for PBS&J Project Management services for September and October and an additional \$5,328 to TEMS for final report revisions.

The Board discussed the number of final report copies needed and whether there were monies allocated in the budget to make sure that every RMRA member jurisdiction and CDOT received a hard copy and an electronic copy via CD at the conclusion of the study. Attorney Gilida reported that the scope of work in the TEMS contract specified 50 hard copies of the final report plus a CD be delivered to RMRA. The

Board agreed that some portion of the remaining balance of \$24,023 could be used to ensure that all 52 RMRA member jurisdictions and CDOT received a hard copy of the report plus an electronic version via CD. This will require RMRA to make a few hard copies of the final report as well as a number of CD copies, but the cost for these additional copies should be fairly minimal.

There was a lengthy discussion on the software used in the RMRA study by the TEMS team and what access RMRA would have to that software following the study. In the end, it was agreed that the contract with TEMS allowed RMRA to use the work product data generated by the TEMS softwares, but that RMRA had no secured use of the TEMS softwares beyond the conclusion of the study.

Treasurer Tangen reviewed the remaining portion of the August Financial Report and requested approval to pay the Peer Review Panel expenses and attorney's fees from the August statement out of the \$8,265 current RMRA balance.

Director Farris moved, Director Moore seconded, approval of the August Peer Review Panel expenses and attorney's fees. Passed.

Consideration of approval of Extension of the Term for the Peer Review Services Agreement

Chairman Dale and Attorney Gilida explained that it was necessary to extend the term of the Peer Review Panel member Agreements since their current agreements expire on August 31, 2009. The extension allows RMRA the discretion to set the date of the study termination and allows the Peer Review Services agreements to stay in effect until such a date is determined.

Director Williams moved, Director Putman seconded, approval of the Peer Review Services Agreement Extension. Passed.

Discussion of Remaining Study Schedule

Chairman Dale explained the remaining schedule for the RMRA Study, all contingent on receiving CDOT Grant reimbursements.

Mark Boggs will provide the complete comment matrix with the TEMS responses to the Steering Committee members by Wednesday, 9-30-09. This will give them at least a day to review the TEMS response prior to the call. We will also be sending the Steering Committee members a copy of the text to be included in the final report for the Freight Railroad Risk Assessment work. This will allow an opportunity for Steering Committee and Board members to comment on this text on the 10-02-09 conference call.

After the 10-02-09 call we will have a good understanding of the changes to be expected in the final report. We do not expect to be in complete agreement with the TEMS Team on all items, but we will know where we agree and where we agree to disagree.

Mark Boggs will expect a revised version of the final report to be delivered to him sometime between Monday, 10-12-09 and Thursday, 10-15-09. This timing may be influenced by the Steering Committee conference call and the extent of the changes discussed on the call, but the TEMS team has agreed that the latest we would see the revised final report is Thursday, 10-15-09.

In order to facilitate the completion of a revised final report that addresses all of our concerns and especially the change from our original scope of work for the study (which stipulated the development of a “preferred alternative”) to a more general “feasible alternatives” approach, we will need to approve an additional supplement to the TEMS contract for \$5,328.

The TEMS team has also agreed to have the revised Executive Summary completed and delivered to Mark sometime between Monday, 10-12-09 and Thursday, 10-15-09 in sync with the delivery of the revised final report.

The TEMS team had proposed a \$6,350 additional charge for this executive summary work, however they would be willing to redirect any unused portion of the \$19,732 that we had previously approved for government relations work to the executive summary work (approximately \$10,000). This was the Board’s desire discussed at our August 28 Board meeting.

We will still move forward with the meeting with Congresswoman Betsy Markey this Saturday, but we intend to curtail the government relations work after that. Any leftover government relations work dollars may be directed towards the Ritter Administration.

Understanding the time frame for the CDOT Division of Transit and Rail to become functional (at least a year from now) and the Ritter Administration’s desire to pursue a multi-state high speed rail corridor designation instead of a Colorado only designation, our government relations work may have been slightly premature and less of a priority for us now. The completion of an acceptable final report and executive summary for all RMRA members is the priority. We can always present these documents to the CDOT Division of Transit and Rail when it is actually ready to look at them.

Likewise, we can present our documents to the multi-state feasibility study effort whenever it is launched and underway. So, there will be plenty of opportunity to influence future decision bodies and study efforts, but we must first get our study documents finalized and ready for presentation to Colorado's decision makers.

The revised final report and executive summary will be sent out to all Steering Committee and Board members on Friday, October 16, 2009. The Steering Committee and Board will consider adoption of these documents at their meetings on Friday, October 23, 2009.

Consideration of approval for third supplement to TEMS Contract

Chairman Dale reviewed the request from TEMS for additional services to revise the final report from our original scope of work for the study which stipulated the development of a "preferred alternative" to a more general "feasible alternatives" approach. The request is for an additional supplement to the TEMS contract for \$5,328 for this additional work. The Board discussed this additional request.

Director Williams moved, Director Mitsch-Bush seconded, approval of the third supplement to TEMS Contract for revisions to the final report for \$5,328. Passed with several Board members voting in opposition.

Consideration of approval for third supplement to PBS&J Contract

Chairman Dale reviewed the request from PBS&J for additional services in the amount of \$10,056 to include support for multiple rounds of TEMS document review and compilation of Peer Review, Board and Steering Committee comments on the final report; unanticipated additional Board and Steering Committee meetings and Study consultant coordination; ongoing deliberation with Study consultant over report quality matters; manage and review supplemental work activities by study consultant including consultation with RMRA legal consultant; and additional logistical support for the Steering Committee.

Director Brooks moved, Director Hoffman seconded, approval of the third supplement to PBS&J Contract for \$10,056. Passed.

Next RMRA Board Meeting

Chairman Dale stated that the next RMRA Board meeting will be held on October 23rd 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 3:05 p.m.

Secretary of the Meeting