

MINUTES OF THE REGULAR MEETING OF THE
BOARD OF DIRECTORS

OF THE

ROCKY MOUNTAIN RAIL AUTHORITY Held: Friday,
February 05, 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, Chairman, Clear Creek County (Commissioner)
Gail Drumm, Town of Monument (Council)
John Tangen, RFTA (Staff) (via teleconference)
Larry Brooks, Town of Avon (Staff)
Janice Finch, City and County of Denver (Staff) (via
teleconference)
Steven Koster, Douglas County (Staff)
Greg Schroeder, Eagle County (Staff)
Forrest Whitman, Gilpin County (Commissioner)
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, Hayden (Alternate) (via teleconference)
Karen Tussey, Town of Yampa (Council) (via teleconference)
Lee Behrens, Georgetown (Council) (via teleconference)
Bob Briggs, Westminster (Council)
Greg Hall, Vail (Staff) (Alternate)
Robert Larsen, Thornton, (Staff) (Alternate)
Bob French, Summit County, (Commissioner) (via
teleconference)
Michael Penny, Frisco (Staff) (via teleconference)
Doug Rademacher, Weld County (Commissioner) (via
teleconference)
Bill Moore, Pueblo County (Alternate)
Bill Moore, City of Pueblo (Staff)
Bill Christopher, RTD (Board)

Also present were:

Ed Icenogle, Icenogle, Norton, Smith, Blieszner, Gilida & Pogue, P.C. (RMRA Attorney)
George Scheuernstuhl, DRCOG (Staff)
Mark Boggs, PBSJ,
Tom Mauser, CDOT
Thad Noll, Summit County (via teleconference)
Bob Leilich, Trainmaster Inc.

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. Thad Noll identified himself as an alternate from Summit County. No one else identified themselves.

Call to Order

Chairman Dale noted that with 27 members present, there was a quorum of the Rocky Mountain Rail Authority. He called to order the meeting of the Board of Directors of the Rocky Mountain Rail Authority at 1:16 pm.

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 and January 08, 2010 Board Meeting Summary

Chairman Dale referenced the Board minutes from the December 11, 2009 Board meeting and the Board meeting summary from January 08, 2010. He asked if there were any corrections. Director Moore provided corrections for the December Board Meeting relating to his position as alternate for Pueblo County and the primary representative for the city of Pueblo. He also attended the December meeting in person, not via teleconference. Tom Mauser noted that he was in attendance for the January 08, 2010 Board meeting.

Director Briggs moved, Director Larsen seconded, approval of the Board minutes from the December 11, 2009 Board meeting and the unofficial January 08, 2010 Board meeting. Passed.

Election of Board Officers for 2010

Attorney Icenogle explained the bylaw procedure for election of officers in a contested election including the participation of the Board members on the teleconference. This involved a written vote process with a third party collection of votes from the members on the teleconference.

Attorney Icenogle explained that Board Bylaw VII.B. provides the following procedure:

The chairperson is to call for nominations and shall close the nomination process when no further names are advanced, and that elections are limited to persons nominated, with the ability to conduct confidential written ballots. However, he

noted, if only one person for each office was nominated and the nominations were then closed; a vote by acclamation would eliminate the need for balloting of any type.

Director French moved nomination of Mr. Dale as chairman, Mr. Lehnen as vice-chairman, Mr. Drumm as secretary and Mr. Tangen as treasurer, thus proposing that the 2009 officers serve in their current positions for 2010. Director Mitsch Bush seconded.

Director Moore moved nominations be closed. Director Anderson seconded.
Passed.

Director French moved the approval of the nomination of the slate of officers and election by acclamation. Director Mitsch Bush seconded.
Passed.

Chairman Dale thanked the Board for allowing him to continue as chairman in 2010.

Consideration of the 2010 Administrative Resolution

Chairman Dale reviewed the main points in the Annual Administrative Resolution for the Rocky Mountain Rail Authority. The resolution indicates that the RMRA Board will not hold regular meetings in 2010, but will hold special meetings as required at the Jefferson County Courts and Administration Building. It was anticipated that regular meetings would be held through the completion of the feasibility study and then as necessary throughout the remainder of the year. The official posting location for meeting notices for the purposes of the Colorado Open Meetings Law is the Clear Creek County's Clerk and Recorder's Office. The Denver Post is designated as the newspaper for publication of RMRA legal notices. The Board officers for 2010 are Harry Dale, Chairman, Doug Lehnen, Vice-Chairman, Gail Drumm, Secretary and John Tangen, Treasurer.

It was noted that a correction was needed on page 3 of the resolution to change the date of the adoption of the resolution from January 08, 2010 to February 05, 2010.

Director Moore moved approval of the RMRA Annual Administrative Resolution. Director Mitsch Bush seconded.
Passed.

January 2010 Financial Report and approval of bills

Chairman Dale explained that Treasurer Tangen had received the second CDOT reimbursement outstanding at the last Board meeting and that RMRA is now current on its invoices. The

current RMRA balance is \$8,803 with a final grant reimbursement expected from CDOT in a few weeks of \$43,153. This provides RMRA with a total remaining cash balance of \$51,956. Against that balance to study completion in late March, RMRA should expect a TEMS invoice of \$15,970, a PBS&J invoice of \$1,500, attorney's fees of \$9,000, a 2009/2010 Audit charge of \$3,700 and remaining Peer Review Panel expenses of \$7,500. The projected RMRA balance on March 26 is \$14,286.

Treasurer Tangen indicated that he had recently received an invoice from Trainmaster Inc. for Peer Review services of \$3,383. Mark Boggs had reviewed the invoice and approved it for payment. Treasure Tangen asked the Board for approval for payment.

Director Moore moved approval of the payment of \$3,383 to Trainmaster Inc. Director French seconded.
Passed.

February 5, 2010 Steering Committee Meeting

Chairman Dale highlighted the major points of discussion at the Steering Committee meeting earlier. In general, the Steering Committee was satisfied with the TEMS response to the Final Report comment matrix and the Freight Railroad Risk Assessment text as presented with some minor requests for additional detail, review and correction.

The primary focus of the meeting was the four percent grade Pando/Minturn alignment south of Vail Pass in the I-70 corridor and its inclusion in the refined alternative and implementation plan included in the Final Report. The TEMS Team agreed that the actual name for the refined alternative in the Final Report could be called the "FRA Technical Alternative", the "FRA Developed Alternative" or the "FRA Refined Alternative" based on RMRA Board input at the December 2009 meeting.

The important message delivered by the TEMS Team at the Steering Committee meeting was that the Final Report should be as inclusive as possible of all alternatives found to be feasible at this point in the high speed intercity passenger rail analysis for Colorado. There will be plenty of opportunity to screen out weaker alternatives and even look for new alignments in future NEPA studies. They felt it premature for the RMRA Study to screen out any of the identified feasible options at this point in time, since it is a feasibility study and not an environmental impact analysis study under NEPA. They were especially interested in keeping a four percent grade alignment alive in the study because the FRA in Washington, DC isn't especially optimistic about high speed intercity passenger rail in mountain environments. The

development of a four percent grade alignment through the mountains could go a long way to change their minds and generate FRA interest in funding a high speed intercity passenger rail program in Colorado.

Also interesting to note was that Greg Hall from the Town of Vail has identified a four percent grade alignment within the I-70 highway corridor valley through Vail Pass as a potential “next step” alternative alignment for future study. It is his impression that this may be a much more environmentally feasible four percent grade alignment than the Pando/Minturn four percent grade alignment since it avoids the difficult mineral rich EPA Superfund areas and narrow canyon valleys between Pando and Minturn.

The current Vail Pass seven percent grade alignment evaluated in the RMRA study was based on the JF Sato work in the I-70 PEIS process and constrained the at-grade Rail alternative and the Advanced Guideway System alternative alignments in the Draft PEIS through Vail Pass to within CDOT highway right of way. Remember that by Transportation Commission Resolution on November 15, 2006, the RMRA Study was required to NOT duplicate technical analyses that were already adequately conducted in the course of developing the Draft PEIS.

Greg showed his maps of this new Vail Pass four percent grade alignment outside CDOT right of way (but within the I-70 highway corridor valley) to one of the members of the TEMS Team and some Steering Committee members after the Steering Committee meeting had adjourned. On the surface the alignment looked to have the potential for greater speeds and less environmental disturbance than the Pando/Minturn alignment and would promote the advantages of a four percent grade alignment for lower overall vehicle cost and lower operational, energy and maintenance costs and provide a main line station in Vail which remains one of the significant problems with the Pando/Minturn four percent grade alignment. This appears to be a good alignment to look at in future studies.

2010 Study Schedule

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

February 15 through February 18 (actual date TBD)
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.

February 15 through February 18 (actual date TBD)

Executive Committee Conference Call to discuss initial outline and scope of Executive Summary with Andy Mountain

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

Andy Mountain to deliver first draft of 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 Andy Mountain.

Thursday, March 11

Andy Mountain 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.

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 has 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 as soon as possible. Chairman Dale stated that he would send out

Director Putman's email address to Board members following the Board meeting. Director Putman's email address is gene.putman@cityofthornton.net .

Next Steps for High Speed Intercity Passenger Rail in Colorado

The Board continued its discussion of Colorado's next steps for HSIPR implementation beyond the feasibility study. The Board agreed that in addition to the technical, financial and economic feasibility questions evaluated in the RMRA high speed intercity passenger rail feasibility study, very important political and policy questions remain unanswered.

Leadership at the national, state and local level will be essential for the successful planning and implementation of high speed intercity passenger rail in Colorado. Absent effective leadership in the planning and implementation process, the development of high speed intercity passenger rail service in Colorado will be virtually impossible.

Important planning and policy questions must be addressed, especially the desired operational speeds of Colorado's high speed intercity passenger rail effort. Colorado's decision makers will need to answer several important questions starting this summer with the development of a State Rail Plan for Colorado.

What speeds have the best chance for successful implementation, including sustainable ridership and sustainable fare revenues?

What grade alignments have the best chance for successful implementation?

Is the FRA's current policy of funding only four percent grade or lower alignments and technologies for high speed intercity passenger rail valid for Colorado?

Is Colorado's best chance for success, the pursuit of more capital intensive, very high speed, unique, dedicated, completely grade separated, intercity passenger rail infrastructure, guideways and appropriate vehicle technologies; or the pursuit of less capital intensive, lower speed vehicle technologies required to share track and other railroad infrastructure with the freight railroads?

While the RMRA study can be used to inform these future policy decisions, it was not intended to clearly answer political and policy questions. However, a State Rail Plan is intended to answer these important political and policy level questions.

A State Rail Plan will create the foundation for integrating

passenger and freight rail into Colorado's multimodal transportation vision for the 21st and 22nd centuries. It will form the priorities for public investment in high speed intercity passenger rail in Colorado and develop the priorities for future implementation.

From the November 2009 ASSHTO State Rail Planning Best Practices Report:

"In its most basic form, a state rail plan articulates the existing and future role of freight and passenger rail within a state's multimodal transportation system. To effectively convey the role of rail to the consumers of the plan, the plan should establish a vision for rail; it should take stock of current and needed rail assets; and it should provide a clear path to implementing rail improvements."

The involvement of all appropriate stakeholders in the development of Colorado's State Rail plan will be critical to its success. This cannot be a plan driven by internal decision making within CDOT Departments and incorporating exclusive input from the Freight Railroads as was the case in the Rail Relocation Implementation Study.

Several Board members including Director Tussey, Director Mitsch Bush, Director French, Director Moore and Director Christopher advocated for the RMRA organization to remain engaged in Colorado's continued planning efforts for high speed intercity passenger rail. They agreed that the shelf life typical of a feasibility study is only two years and that appropriate next steps need to occur within that time frame. As a representative body of 52 jurisdictions in Colorado and effectively the grassroots entity to initiate the high speed intercity passenger rail discussion in Colorado, RMRA must remain involved in the "next steps" throughout 2010.

The Board agreed to send the Colorado Congressional Delegation a letter of thanks for the \$1.4 million FRA HSIPR ARRA grant award to Colorado for fifty percent of the costs of the development of a State Rail Plan and an a RTD Fastracks High Speed Rail Interconnectivity Study. Both are scheduled to begin this summer. The letter should also inform the Colorado Congressional Delegation of the RMRA Study effort and the completion of the study anticipated in late March. Chairman Dale agreed to take the lead on writing the letter and Director Mitsch Bush and Director Moore agreed to help.

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.

The RMRA Board agreed that it will remain engaged in the high speed intercity passenger rail discussions in Colorado through 2010 and that it would postpone discussion of a dissolution resolution until 2011.

The Board discussed its fairly thin remaining 2010 budget and agreed that the high speed intercity passenger rail advocacy efforts of the organization through the end of 2010 would have to be performed on a mostly voluntary basis.

The Board would also need to negotiate an “as-needed” arrangement for legal services with its attorney for the period of 2010 from April through December. The Board would also have to inquire if space would be granted by Jefferson County and teleconference services granted by Douglas County for any RMRA scheduled Board meetings beyond March 2010. Extension of the RMRA web site management by Douglas County would also need to be requested.

If these measures are acceptable to the affected parties, then the RMRA will convene Board meetings as necessary throughout the balance of 2010 following the public release of the Final Report. Chairman Dale agreed to pursue these items with Jefferson County, Douglas County and RMRA’s Attorney and report back to the Board at the March 26 Board meeting.

Other Business

Director Christopher informed the Board that USDOT Secretary LaHood was in Denver today to announce a FTA \$120 million grant award to RTD. \$40 million would be provided for the RTD Fastracks West Line, \$40 million for the RTD Fastracks East Line and \$40 million for the RTD Gold Line.

Next RMRA Board Meeting

Chairman Dale stated that the next RMRA Board meeting will be on Friday, March 26, 2010 at 1 pm in the Jefferson County Courts and Administration Building, Buffalo Bill Room.

Adjournment

In that there were no further items of business to discuss, the meeting stood adjourned at 2:35 p.m.

Secretary of the Meeting