

The RMRA Executive Committee met from 1:15 pm to 2:15 pm on March 27, 2009 via conference call. A quorum was established with Harry Dale, Bill Moore, Gail Drumm and John Tangen present.

The following are my minutes from the meeting (which are fairly detailed, so please read through this entire message).

Harry

We are still working the bugs out of the Douglas County Conference Call system and I had neglected to include the password in my call notification message. For future reference, the RMRA Conference Call information is below.

RMRA Board

Call in number: 720-733-6996

Conference Code: 2034

Password: 7672

RMRA Steering Committee

Call in number: 720-733-6996

Conference Code: 5329

Password: 7672

It is OK to have the password released to everyone. The conference call service will not work unless the call is scheduled by the Douglas County Staff.

John Tangen provided the February 2009 Financial Report for RMRA. Our finances are tracking on budget for 2009 and on target for where we are in the Feasibility Study. We have also caught up on our bill payments with excellent turnaround time from CDOT for our reimbursements.

There remain a few jurisdictions that have committed to a 2009 contribution to RMRA and have not yet paid. I will be sending them a reminder next week.

We had two bills to be approved. The first was for \$98,186 to TEMS for February 2009 and the second was for our attorney, Icenogle, Norton, Smith, Gilida & Pogue, P.C. for \$3000 for the month of February 2009. John also noted that \$28 of the \$98,186 TEMS bill would not meet the CDOT criteria for reimbursement as it was for a meal and tolls. John indicated that the RMRA Board had elected to pay a previous payment of this kind back in November of 2008 out of the local match funds for the organization. He recommended doing the same with this \$28 portion of the TEMS invoice. He also noted that TEMS was doing a very good job of submitting the proper paperwork to him for their invoices.

Bill Moore asked if Mark Boggs had reviewed the TEMS invoice for February 2009. John and I mentioned that Mark usually does so and provides us with an email message stating that he had reviewed the invoice and found it to be satisfactory for the work that was performed by TEMS for the corresponding month, however neither of us could locate Mark's message for the February TEMS invoice.

Bill Moore motioned to approve the payment of the TEMS February 2009 invoice and the \$28 out of local match funds that would not meet CDOT criteria for reimbursement along

with the Icenogle, Norton, Smith, Gilida & Pogue, P.C. bill for \$3000 with the condition that Mark Boggs found the TEMS invoice to be appropriate for the work completed by TEMS for February 2009. Gail Drumm seconded the motion and the motion passed unanimously.

A few minutes later, Mark Boggs returned my email message indicating that he had approved the TEMS February 2009 invoice but had not sent John and I a message indicating that he had approved it (see below).

From: Harry Dale [mailto:hjd173@wispertel.net]
Sent: Friday, March 27, 2009 1:29 PM
To: Boggs, Mark M; jtangen@rfta.com
Subject: RE: RMRA_TEMS_Invoice 08_Jan 09

Mark,

Have you reviewed the TEMS invoice for February?

Harry

From: Boggs, Mark M [mailto:mmboggs@pbsj.com]
Sent: Friday, March 27, 2009 1:41 PM
To: hjd173@wispertel.net; jtangen@rfta.com
Subject: RE: RMRA_TEMS_Invoice 08_Jan 09
Importance: High

Yes, I did review the TEMS invoice for February and thought that it looked fine. I thought I had sent an email to that effect but can find no evidence of it. I apologize for that oversight.

Mark M. Boggs
Transportation Project Director I PBS&J
Direct: 720.475.7077
Cell: 720.234.7941

From: Boggs, Mark M [mailto:mmboggs@pbsj.com]
Sent: Thursday, February 12, 2009 6:25 PM
To: jtangen@rfta.com; hjd173@wispertel.net
Subject: RE: RMRA_TEMS_Invoice 08_Jan 09

Harry and John,

I have reviewed the January 2009 invoice (Invoice 8) from the TEMS team (submitted to John and me on Feb. 11). I find the invoice to reflect my understanding of the work accomplished for the reporting period, and find their progress against the contract to be reasonable and on track.

TEMS's burn rate on the project is tracking closely with their budget forecasts. However, I do note that in their progress report, they do state for Task 6 that the scope has expanded at the direction of the steering committee. I have advised Alex that it is his responsibility to advise the Authority if the requests being made by the committee are jeopardizing the budget. I will continue to monitor this, as they are now 73% spent, and the next two months will likely be heavy months. I continue to speak with Alex about it, and he assures me that he continues to be confident of completing work within current budget.

Accordingly, I recommend presentation to the Board and approval for payment, unless RFTA finds problems with the reported costs.

Please advise if you have questions or require additional information.

Mark M. Boggs

Transportation Project Director | PBS&J

Direct: 720.475.7077

Cell: 720.234.7941

John ended his report and we opened the discussion to the Executive Committee on any relevant topics. We discussed briefly the Alternatives Analysis Workshop move and consolidation to Saturday, April 4 and that there would be a conference call with the TEM Team on Monday to work out the exact agenda. I had noted that the previous schedule would have allowed us to discuss the "Risk" items on Friday as preparation for the actual workshop. With the new condensed schedule for one day, we would have to address the risk items at the beginning of the April 4 workshop.

I noted my concern for several items that I believe have not been properly addressed by the TEMS Team and I remain uncertain that they will be addressed.

1. Feasibility of Sharing right of Way with the Freight Railroads including future capacity concerns and risks associated with negotiating a satisfactory agreement with the Freight Railroads.
2. Eastern Plains local government and general public acceptance of the Eastern Freight Rail Bypass.
3. Feasibility of converting currently FRA non compliant European and Japanese train sets to FRA compliant train sets including the additional costs incurred, potential weight penalty, potential performance penalty and the willingness of the European and Japanese train manufacturers to build a FRA compliant vehicle for Colorado.
4. Feasibility of any technology that is not currently operating in revenue service somewhere in the world today in the compliant form required by the alignment being considered in the RMRA study (note that all alternatives evaluated in the RMRA study are shown as sharing right of way with the Freight Railroads in Metro Denver, both north-south and east-west).
5. The absence of the Novel Technology Report promised by TEMS earlier in the Study process.

Gail Drumm expressed his concern for the willingness of European and Japanese manufacturers to build a FRA compliant vehicle for Colorado for which there is no guarantee that they are even interested. And even if they were interested, it would seem obvious that there would be some weight and performance penalty which is currently not being considered by the TEMS Team.

Bill Moore and John Hoffman expressed concern that the TEMS Team was not evaluating alternatives based on the criteria provided to us by the FRA in the attached document for a high speed rail corridor. Specifically, they were concerned about the 110 mph requirement for high speed rail corridor designation. In addition, when looking at the attached FRA high speed corridor map (PowerPoint) it was noted that the FRA considers the Northeast Corridor an Intercity Passenger Rail Corridor, but not a high speed rail corridor since it does not

achieve the 110 speed. The critical question that TEMS needs to respond to is based on the paragraph below from the FRA document.

High-Speed Rail Issues

Question 21: What is the definition of high-speed rail?

Answer 21: Under PRIIA, "high-speed rail" is "intercity passenger rail service that is reasonably expected to reach speeds of at least 110 miles per hour" (49 U.S.C. §26105 (b)(4)). The FRA intends to offer additional guidance on the interpretation of this Congressional definition in its Strategic Plan. In the meantime, for initial planning purposes, an intercity passenger rail system can be considered as meeting this definition if:

- It provides service that is time-competitive with air and/or auto on a door-to-door basis for trips in the approximate range of 100 to 500 miles; and
- Its component subsystems (track, equipment, communications, control, and all others) are capable of sustained top speeds of 110 mph or more where the alignment and environmental considerations permit; and
- The system meets or exceeds all applicable safety standards

John Hoffman also mentioned his concern for technologies omitted by the RMRA Study such as the Airtrain technology which may have great potential for the I-70 corridor. I responded that early on in the study process we had established the study criteria that all technologies evaluated in the study were supposed to be in revenue service somewhere in the world today in the form as shown in our alignment options. I expressed my frustration in that the study to date was not being consistent on this point because the HSST maglev technology in a 125 mph version does not exist today and the many European and Japanese rail technologies are being evaluated in the RMRA Study as if they currently exist in a FRA compliant version (which they do not). If we remain inconsistent on this point, then John and others may have a legitimate complaint that we did not seriously consider technologies such as Airtrain, Suntram, Magnemotion, MegaRail, Labis, Urbanaut, etc.

John also expressed support for a "Made in America" policy for any vendor that should be eventually selected for a high speed rail project in Colorado. Bill Moore commented that if Mercedes and Toyota can build cars in the USA, then certainly any European or Japanese rail vehicle manufacturer should be able to as well.

I have included some language out of our Study RFP which I believe can be used to make our points to the TEMS Team.

We will have a conference call with the TEMS Team on Monday and I have asked Gail and Bill to participate with me to represent the Executive Committee.

We adjourned the meeting around 2:15 pm.