



AGENDA
DRCOG Board Work Session
Wednesday, November 6, 2019
4 p.m.
1001 17th Street
Aspen/Birch Conference Room



1. Call to Order
2. Summary of September 4, 2019 Board Work Session
(Attachment A)
3. Public Comment
The chair requests that there be no public comment on issues for which a prior public hearing has been held before the Board of Directors.
4. Briefing on Mile High Compact 2.0?
(Attachment B) Brad Calvert, Director, Regional Planning & Development
5. Briefing on Wellness Fund
(Attachment C) AJ Diamontopoulos, Manager, Accountable Health Communities
6. Briefing on Front Range Passenger Rail
(Attachment D) Jacob Riger, Manager, Long Range Transportation Planning
7. Adjourn

Persons in need of auxiliary aids or services, such as interpretation services or assisted listening devices, are asked to contact DRCOG at least 48 hours in advance of the meeting by calling (303) 480-6701



BOARD WORK SESSION SUMMARY
September 4, 2019

Directors present:

John Diak, Vice Chair	Parker
Jeff Baker	Arapahoe County
Elise Jones	Boulder County
David Beacom	City and County of Broomfield
Nicholas Williams	City and County of Denver
Kevin Flynn	City and County of Denver
Roger Partridge	Douglas County
Bob Fifer	Arvada
Bob Roth	Aurora
Tammy Maurer	Centennial
Steve Conklin	Edgewater
Jim Dale	Golden
Wynne Shaw	Lone Tree
Ashley Stolzmann	Louisville
Joyce Palaszewski	Mead
Sandie Hammerly	Superior
Herb Atchison	Westminster
Bill Van Meter	Regional Transportation District

Participating via Webex:

Eva Henry	Adams County
Aaron Brockett	Boulder
Lynette Kelsey	Georgetown
Stephanie Walton	Lafayette

Others present: Doug Rex, Executive Director; Jennifer Eby, Douglas County; Kent Moorman, Thornton; Dave Genova, Regional Transportation District; Randy Grauberger, Front Range Passenger Rail; Carla Perez, HDR; and DRCOG staff.

Board Vice Chair John Diak facilitated the work session. The session began at 4:00 p.m.

Summary of March 6, 2019 Board Work Session

The summary was provided for review. No revisions to the summary were requested

Public Comment

No public comment was received.

Briefing on FasTracks Initial Unfinished Corridors Report

Dave Genova, Regional Transportation District General Manager, provided an overview of the Unfinished Corridors Report. The RTD Board of Directors tasked staff to report on the unfinished corridors, specifically addressing all reasonable cost-saving measures for constructing and operating the unfinished corridors, including creating funding mechanisms; outline proposed steps to move forward on the unfinished corridors; and

outline proposed steps to move forward on the Northwest Rail Peak Service Plan. The report does not contain recommendations, rather it provides scenarios that show options for pursuing completion of the unfinished corridors, based on the most recent sales and use tax forecasts.

Briefing on Reimagine RTD

Dave Genova briefed members on a two-year endeavor RTD is undertaking to better understand and forecast current and future public transportation needs in the Denver metro region. The effort includes considering a redesign of its service, programs, and funding to address future needs and enhance customer experience. Bus and rail services, future projects – including the remaining FasTracks projects, mobility as a service and other technology integration, and new funding options will be examined.

Briefing on Front Range Passenger Rail

Randy Grauberger, Rail Commission Project Director, provided information on the status of the Service Development Plan and Environmental Impact Statement (SDP/EIS). The SDP/EIS will be conducted together using a blended team approach that combines the resources of the Commission, CDOT staff, and the consultant team. It will have significant technical, stakeholder, and public engagement tasks focusing on desired and feasible passenger rail service along the front range from Ft. Collins to Pueblo/Trinidad. The process will include multiple topics, including travel markets, service/operating characteristics, alignment, technology and funding.

Executive Director Rex noted that discussion and possible action on Proposition CC will be on the September Board Agenda. He noted that attendance is critical as positions on ballot initiatives require an affirmative vote of the majority of the entire membership.

The work session ended at 5:12 p.m.

ATTACH B

To: Chair and Members of the Board of Directors

From: Douglas W. Rex, Executive Director
(303) 480-6701 or drex@drcog.org

Meeting Date	Agenda Category	Agenda Item #
November 6, 2019	Discussion	4

SUBJECT

Staff presentation: *Mile High Compact 2.0? – Aligning local and regional initiatives for greater collective impact*

PROPOSED ACTION/RECOMMENDATIONS

N/A

ACTION BY OTHERS

N/A

SUMMARY

Background

In 2000, local governments from throughout the DRCOG region came together to sign a landmark intergovernmental agreement (IGA) called the Mile High Compact. Through this IGA, local governments recognized the role of local comprehensive/master plans, and their connection to Metro Vision 2020 (adopted by the DRCOG Board of Directors in 1997 and 2000).

Today's Presentation

The latest version of Metro Vision represents several years of effort by directors and staff to arrive at a unanimous vote to adopt the plan in 2017. At the 2019 board workshop, directors discussed the potential of a new approach to documenting opportunities for local governments to contribute to the success of *Metro Vision*.

Staff will share an overview of the Mile High Compact and feedback from the board workshop session (Aug. 24). Additionally, staff is requesting initial guidance related to the process to bring forward future items for Board discussion. Notably, staff would like direction on the role partners or stakeholders could play in developing a new collective impact agreement for the region.

PREVIOUS DISCUSSIONS/ACTIONS

N/A

PROPOSED MOTION

N/A

ATTACHMENT

Staff presentation

ADDITIONAL INFORMATION

If you need additional information, please contact Douglas W. Rex, Executive Director, at 303-480-6701 or drex@drcog.org; or Brad Calvert, Division Director, Regional Planning and Development at 303-480-6839 or bcalvert@drcog.org.



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 DENVER REGIONAL COUNCIL OF GOVERNMENTS

Board Work Session
 Nov. 6, 2019

Mile High Compact 2.0?

Aligning local and regional initiatives for greater collective impact

Brad Calvert, Denver Regional Council of Governments
 Regional Planning and Development Director

DRCOG BOARD DISCUSSIONS



DRCOG Board of Directors – Aug. 21:
Metro Vision 2020 – A retrospective analysis of goals and accomplishments

DRCOG Board Workshop – Aug. 24:
Metro Vision Implementation: Mile High Compact 2.0?

Opportunities for local governments to contribute the success of Metro Vision, resulting in collective impact in the region...

METRO VISION 2020



Metro Vision 2020 was adopted in 1997/2000. The plan outlined strategies and implementation steps to **preserve quality of life while also positioning the region to benefit from growth.**



Board Workshop



Mile High Compact 2.0 ?



Board workshop discussion:

- Evaluate opportunities to align local and regional initiatives with the current **Metro Vision**.
- **Did not** seek to answer this question: “Do we need a new Mile High Compact?”
- Contribute to **initial thinking** on proposals for future Board discussion and consideration.



Mile High Compact - Background



MILE HIGH COMPACT: HIGH-LEVEL OVERVIEW



Set the bar for local comprehensive plans:

- included **specific topics**, such as urban growth boundary/area
- intergovernmental agreement

Note: DRCOG is not a party to the agreement.



2000

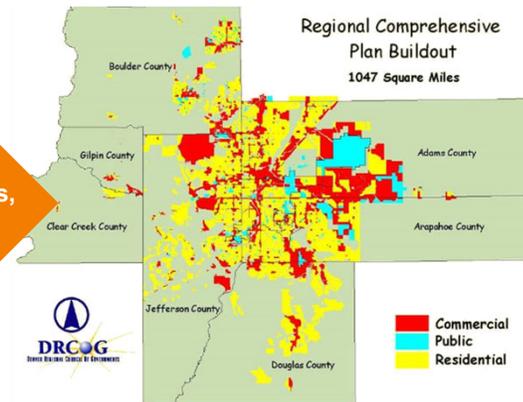
6

WHAT WAS THE BOARD'S MOTIVATION?



cumulative aspirations,
late 1990s

1,000-plus square mile
buildout



desire for tool(s) to
create a focused,
shared outcome

Cumulative growth aspirations: 1990s

7

MILE HIGH COMPACT: SHORTHAND VERSION



- I. WHEREAS, the Cities and Counties recognize that **growth and development decisions can impact neighboring jurisdictions and the region**; and
- II. WHEREAS, **Metro Vision 2020**, collaboratively created by DRCOG members, business, environmental and neighborhood leaders; **provides a regional framework for local decisions** on growth and development within the Denver Regional Council of Governments' (DRCOG) region; and

8

MILE HIGH COMPACT: SHORTHAND VERSION (cont.)



NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the undersigned Cities and Counties (hereinafter referred to as we) agree as follows:

1. Metro Vision 2020. We acknowledge that **Metro Vision 2020 is the comprehensive guide** for the development of the region. Moreover, we agree that Metro Vision 2020 is a dynamic document that reflects changes in the region.

2. Comprehensive/Master Plan. We acknowledge that comprehensive/master plans are critical tools in translating the community's vision into more specific goals, policies and programs to manage their long-range growth consistent with the communities' and the region's vision. **We agree to develop and approve comprehensive/master plans for each of our respective communities** and to update these plans on a regular basis, as determined by each jurisdiction.

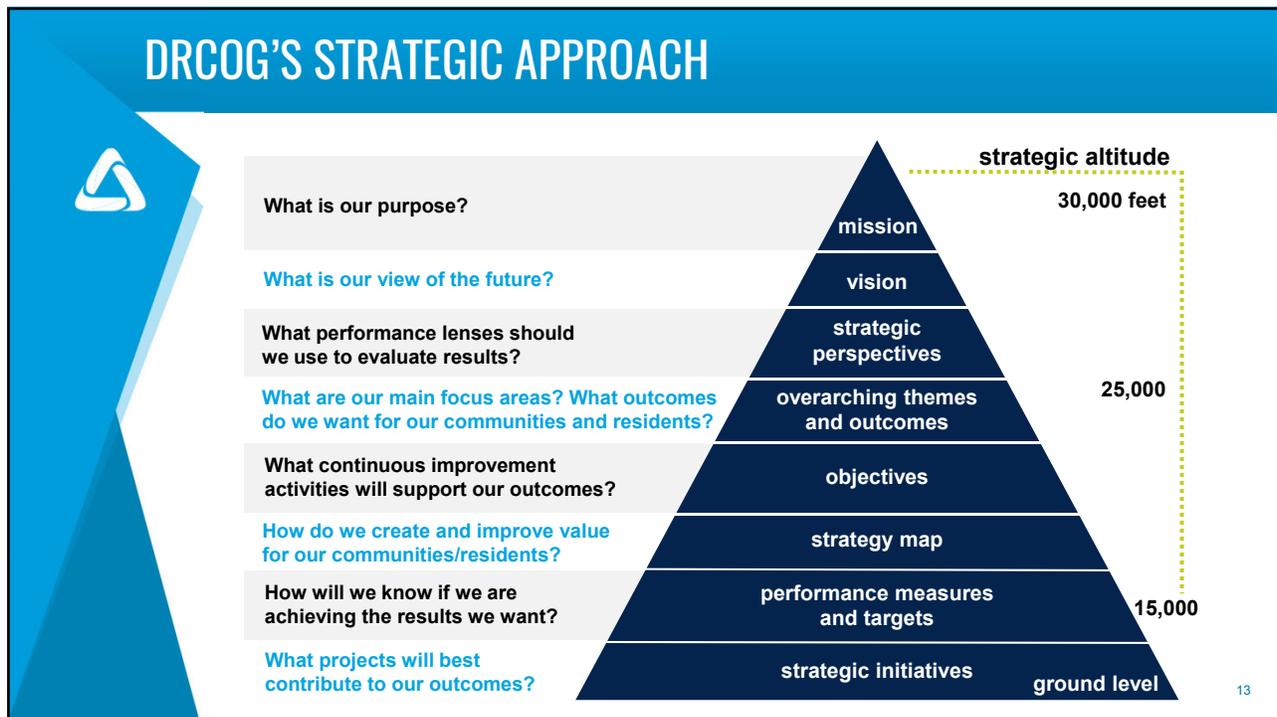
9

MILE HIGH COMPACT: SHORTHAND VERSION (cont.)



Urban Growth Areas or Urban Growth Boundaries. **We agree to adopt Urban Growth Areas or Urban Growth Boundaries**, as established by Metro Vision 2020, **within our comprehensive/master plans**, or in the case of counties by resolution of the Board of Commissioners, and to allow urban development only within those areas. We will encourage and support the efficient development within our Urban Growth Areas or Urban Growth Boundaries consistent with the goals of Metro Vision 2020. **Modifications to Urban Growth Areas or Urban Growth Boundaries will be addressed through Metro Vision 2020's flexibility process.** We agree to address nonurban growth outside of the Urban Growth Area or Urban Growth Boundary through subregional planning, intergovernmental agreements, comprehensive/master plans or revised Metro Vision policies.

10



METRO VISION IS THE STARTING POINT...

Metro Vision – Overarching Themes

- An Efficient and Predictable Development Pattern
- A Connected Multimodal Region
- A Safe and Resilient Natural and Built Environment
- Healthy, Inclusive and Livable Communities
- A Vibrant Regional Economy

14

WE ARE ALL WORKING TOWARD COLLECTIVE IMPACT...



The plan anticipates that individual communities will contribute to Metro Vision outcomes and objectives...



BOARD WORKSHOP – INITIAL EVALUATION



All **options** were pulled directly from the unanimously adopted **Metro Vision plan**.

Options live at the **objective level** – where continuous improvements are needed to achieve a desired outcome.

Initial screen by DRCOG staff:

- identified objectives where there is room for both **local commitments** and regional support
- identified objectives **not directly associated** with an active, fully operational DRCOG program

16

BOARD WORKSHOP – INITIAL EVALUATION (cont.)



Thinking of the entire region, which options would provide the greatest opportunity for local governments in the region to contribute the success of Metro Vision, resulting in collective impact in the region?

PAIRED COMPARISON - METRO VISION OBJECTIVES



AGE-FRIENDLY COMMUNITIES



WATER AND GROWTH



REGIONAL OBJECTIVE NARRATIVE (EXCERPT):
DRCOG will focus on collaborative initiatives among local governments, water providers, agricultural producers, the design and development community, and other regional stakeholders to promote water conservation and responsible water-management and land-use practices.

PRIORITY GROWTH AREAS



PROTECTING OUR NATURAL RESOURCES



REGIONAL OBJECTIVE NARRATIVE (EXCERPT):
The region will conserve and protect natural resources including prominent geologic features, surface waters, riparian areas, wetlands, forests and woodlands, prairie grasslands and other environmentally sensitive lands for future generations.

PAIRED COMPARISON - METRO VISION OBJECTIVES (cont.)



COMMUNITY RESILIENCY



HOUSING OPTIONS FOR ALL

REGIONAL OBJECTIVE NARRATIVE (EXCERPT):
Local communities and regional partners will pursue initiatives that reduce barriers and expedite the development of housing in desired locations.



IMPROVING ACCESS TO HEALTH SERVICES



ACCESS TO OPPORTUNITY

REGIONAL OBJECTIVE NARRATIVE (EXCERPT):
The region will reduce critical health, education, income and opportunity disparities in neighborhoods and communities.

19

PAIRED COMPARISON RESULTS

METRO VISION OBJECTIVE	FINAL RANKING
Improving access to health services	1
Housing options for all	2
Age-friendly communities	3
Access to opportunity*	4
Water and growth	4
Community resiliency	6
Protecting our natural resources	7
Priority growth areas	8

20

Board Workshop – initial feedback



IMPROVING ACCESS TO HEALTH SERVICES


REGIONAL OBJECTIVE NARRATIVE (EXCERPT):
 The region will support the integration of health care facilities and service providers of all sizes into centers throughout the region—both urban and rural—where residents can access care by walking, biking, driving or using transit.

SUPPORTING OBJECTIVE:
 Increase collaboration among stakeholders at the local, regional and state levels.

ILLUSTRATIVE REGIONAL AND LOCAL INITIATIVES:

- Collaborate with health service providers to develop new datasets and analyses of access to preventative care and other health-related services, helping local and regional partners strategically target resources to clients.
- Strengthen partnerships between health and transportation providers to increase access to care, improve health outcomes and reduce healthcare costs.
- Work with local elected and appointed officials to integrate health and wellness priorities and goals into comprehensive plans. Incorporate supporting information into plan and policy development and decision-making.
- Adopt and implement policies and regulations that support the integration of health services into urban centers, employment campuses, retail centers, rural town centers and other activity hubs.

- analytics for deploying paramedics
- behavioral health tax
- ‘collaborative’ health care – info sharing, etc. (holistic)
- transportation access – connecting residents to health care services
- change zoning to encourage connected services in priority areas

21

Board Workshop – initial feedback (cont.)



HOUSING OPTIONS FOR ALL


REGIONAL OBJECTIVE NARRATIVE (EXCERPT):
 Local communities and regional partners will pursue initiatives that reduce barriers and expedite the development of housing in desired locations.

SUPPORTING OBJECTIVE:
 Increase the regional supply of housing attainable for a variety of households.

ILLUSTRATIVE REGIONAL AND LOCAL INITIATIVES:

- Convene local government officials and housing experts to identify ways to expand affordable, accessible housing development opportunities in local communities.
- Participate in efforts to remove barriers and reduce cost of developing housing.
- Collaborate with local partners, including housing authorities, to understand current and future affordable housing needs.
- Develop and share guidance based on best practices to aid local communities in the identification of high opportunity sites, districts or areas.
- Encourage the development and expansion of regional funds to support housing options (such as the Denver Regional Transit-Oriented Development Fund)
- Develop and maintain cooperative efforts with entities focused on developing accessible and affordable workforce and senior housing.

- lobby state and fed for low-income tax credits
- affordable housing goals/targets in local comp plans
- adopt region affordable housing plan with menu of strategies and a regional goal

22

Board Workshop – initial feedback (cont.)



ACCESS TO OPPORTUNITY

REGIONAL OBJECTIVE NARRATIVE (EXCERPT):
The region will reduce critical health, education, income and opportunity disparities in neighborhoods and communities.

▼

SUPPORTING OBJECTIVE:
Improve access for traditionally underserved populations.

ILLUSTRATIVE REGIONAL AND LOCAL INITIATIVES:

- Work with property owners, developers, service providers and the Regional Transportation District to implement first- and final-mile strategies in employment centers.
- Coordinate economic and community development activities to maintain the region's infrastructure and contribute to the growth of its economic health and vitality.
- Develop and share guidance based on best practices to aid local communities in the identification of high opportunity sites, districts or areas.
- Engage economic development and planning professionals in efforts to align community-wide goals with regional opportunities.
- Ensure traditionally underserved populations receive at least a proportionate share of transportation benefits and are not disproportionately affected by transportation investments relative to the entire regional population.

ACCESS TO OPPORTUNITY

- access to opportunity needs to be applied to all objectives – “equity lens”
- equity should be considered when evaluation ALL initiatives
- explore a regional minimum wage

23

NEXT STEPS (STAFF)



- Support future Board discussion: further prioritization & direction on initiative-level components for potential agreement(s)
- Peer region interviews:
 - Bay Area: CASA Compact
 - Washington, D.C.: Regional Housing Targets
 - Salt Lake City: SB 34
- Regional resource interviews:
 - DU Grand Challenges Collective Impact Cohorts ✓
 - Boulder County Regional Affordable Housing Plan

24

NEXT STEPS (BOARD): GUIDANCE NEEDED



Background

- Existing agreement was the nation's first voluntary city- and county-led effort to guide growth
- In 2000, only 4 months transpired between initial drafting and signing ceremony
- This was possible, in part, because the effort was co-spearheaded by Metro Mayors Caucus

Questions

- **Does the Board prefer to be the primary designer, drafter, evaluator and marketer of a new agreement?**
- **...or, is there interest in involving other organizations?**

25



THANK YOU!
QUESTIONS?

Brad Calvert
Regional Planning and Development Director
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26

ATTACH C

To: Chair and Members of the Board of Directors

From: Douglas W. Rex, Executive Director
(303) 480-6701 or drex@drcog.org

Meeting Date	Agenda Category	Agenda Item #
November 6, 2019	Discussion	5

SUBJECT

Staff presentation: Wellness Fund

PROPOSED ACTION/RECOMMENDATIONS

N/A

ACTION BY OTHERS

N/A

SUMMARY

Background

Due to health care reform in the United States, many health care companies are referring patients to community-based organizations (CBO) like DRCOG's Area Agency on Aging to address patients' social needs. To date, these efforts have been small in scale, but substantial growth is imminent. Beginning in March 2020, the State of Colorado will begin providing financial incentives paid to health care providers, such as hospitals and federally qualified health centers, to increase the number of patient referrals to CBOs for social needs. These incentives are based on evidence that addressing people's social needs like food security, inter-personal safety, and transportation improves health status and saves tax-payers money. While staff agrees with this assessment, there is growing concern that the higher volume of referrals will present real challenges for CBOs to provide critical services without new or increased funding.

Today's Presentation

Staff will share an overview of the initiatives that will be operationalized by the State and health care companies in the region, as well as current plans to work with the State and health care companies to expand funding and partnerships to ensure appropriate community-based services are available to those that need them, when they are needed.

PREVIOUS DISCUSSIONS/ACTIONS

N/A

PROPOSED MOTION

N/A

ATTACHMENTS

Staff presentation

ADDITIONAL INFORMATION

If you need additional information, please contact Douglas W. Rex, Executive Director, at 303-480-6701 or drex@drcog.org; or AJ Diamontopoulos, Manager, Accountable Health Communities at 303-480-6767 or adiamontopoulos@drcog.org.

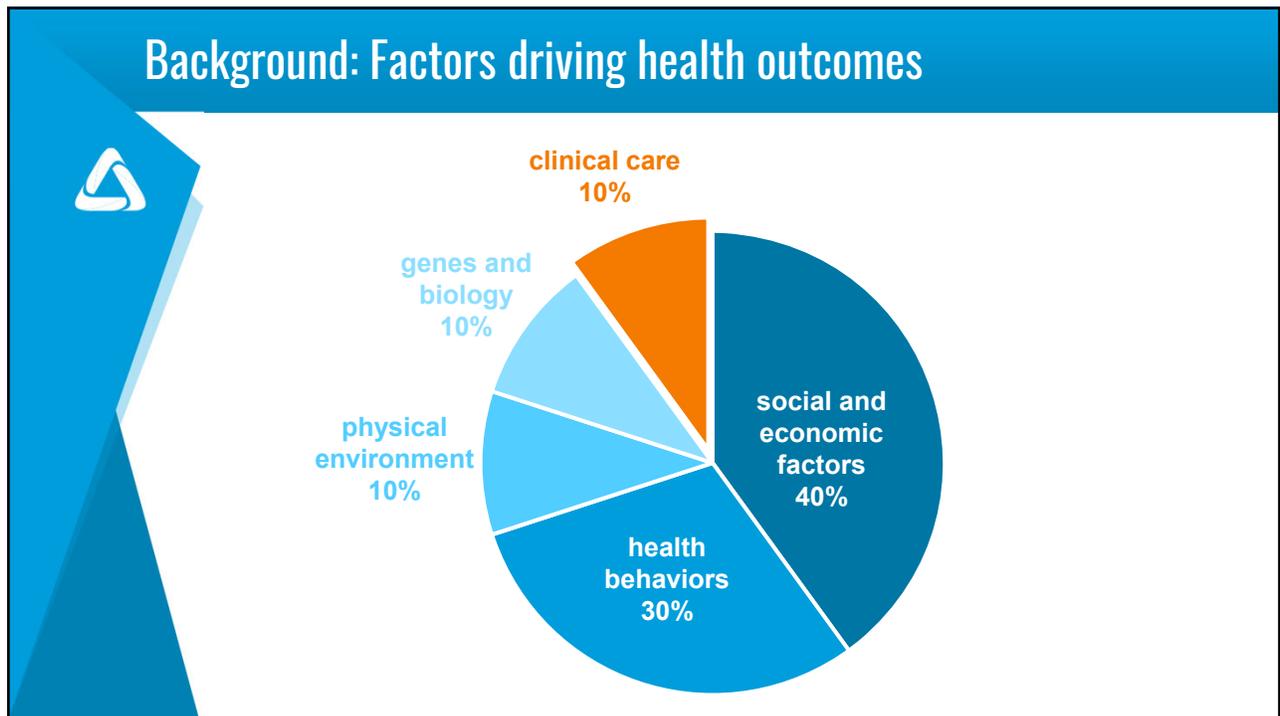


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Board work session
Nov. 6, 2019

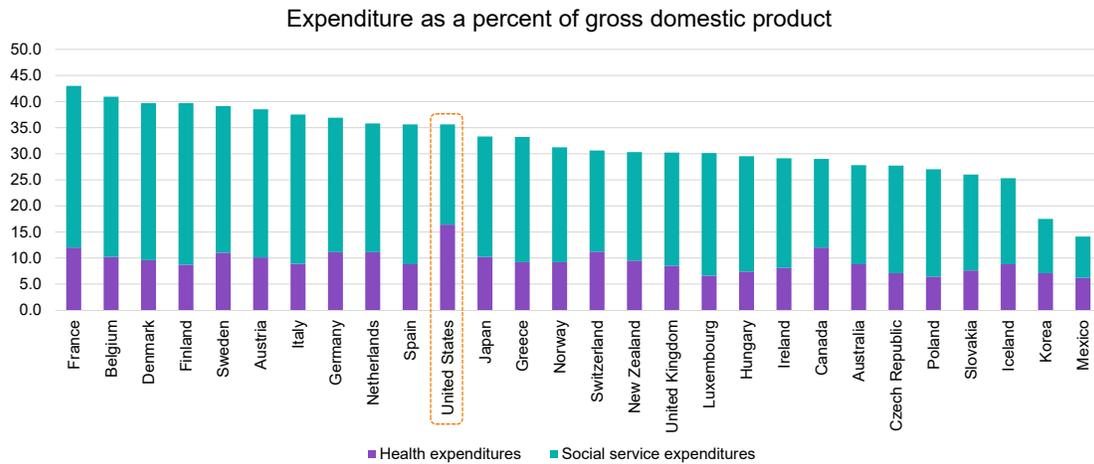
Wellness Fund

AJ Diamontopoulos
Accountable Health Communities Manager





Background: the U.S. is an outlier



3

Background: Health-related social needs



Denver Regional Accountable Health Community

- began in May 2017
- \$4.51 million in funding over five years from the Centers for Medicare and Medicaid Innovation

Purpose:

- identify and address the **health-related social needs** of Medicare and Medicaid beneficiaries to **improve quality of care** and **reduce health care costs**



IDENTIFYING THE CHALLENGES



Challenge: New health care initiatives



The establishment of several new health care initiatives will **dramatically increase the number of referrals** to community organizations, which are already at capacity.

Hospital Transformation Program

- The former hospital provider fee is now the Colorado Hospital Transformation Program.
- In 2019, it paid \$407,091,481 to hospitals that demonstrated meaningful community engagement and health outcome improvements.

Challenge: New health care initiatives (cont.)



State Health Information Exchange (public-private partnership)

- Front Range: **Colorado Regional Health Information Organization**
- Western Slope: **Quality Health Network**

Colorado Office of eHealth Innovation

- \$64 million in federal funds to plan and implement *Colorado's Health IT Roadmap*

Medicaid payments

- some clinicians receive payments to identify social needs and **refer patients to community-based services**

Challenge: New health care initiatives (cont.)



Thrive by Kaiser Permanente

- The **Thrive Local** network launched in summer 2019.
- Within three years, it will be available to all of Kaiser Permanente's **12.3 million members**, as well as **68 million residents** in the communities Kaiser Permanente serves.
- Will increase **referrals to community-based organizations**.

Problem: Community organizations are at capacity.



- **Waiting lists:** Most community organizations are at service capacity.
- **limited funding** for community-based services (statewide, annual)
 - **\$46 million** spending on area agency on aging services
 - **\$7.9 billion** spending for Medicaid

Problem: Referrals alone don't lower health care costs.



Community-based organizations need to engage with:

- the Colorado Hospital Transformation Program.
- the State Health Information Exchange.
- the State Medicaid Office.
- Kaiser Permanente and other insurance companies.

Potential Solution: Wellness Fund



Wellness Fund

- a DRCOG-led program designed to enable community organizations to supply services at the capacity needed

Responsibilities:

1. convene stakeholders
2. identify community services that have a positive effect on health care costs
3. invest in the capacity of community services
4. pay for the delivery of community services

Potential solution: Wellness Fund



Funding

DRCOG would like to see investments by the state and health care providers to support meeting the demand for these vital community services.



DRCOG's efforts to date



1. attended a national event hosted by the Funders Forum on Accountable Health to learn about similar efforts
2. developed a strategy and action plan
3. met with the governor's staff
 - encouraged to meet with Colorado's Medicaid director
4. met with staff from the **Office of Saving People Money on Healthcare**





THANK YOU!
QUESTIONS?

AJ Diamontopoulos
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EO.PP.BW15AAAOFFORTUNITY.15.08-12.V3

15

ATTACH D

To: Chair and Members of the Board of Directors

From: Douglas W. Rex, Executive Director
303-480-6747 or drex@drcog.org

Meeting Date	Agenda Category	Agenda Item #
November 6, 2019	Discussion	6

SUBJECT

Update on Front Range Passenger Rail planning process – potential governance options

PROPOSED ACTION/RECOMMENDATIONS

N/A

ACTION BY OTHERS

N/A

SUMMARY

At the September Board Work Session meeting, staff from the [Southwest Chief and Front Range Passenger Rail Commission](#) (“Commission”) provided an overview of the Commission, its legislative mandate to facilitate development and operation of a Front Range passenger rail system, and current planning activities. The Commission has hired the consulting firm HDR to assist the Commission and CDOT to [study Front Range Passenger Rail](#) and conduct a federally compliant Service Development Plan and Environmental Impact Statement (SDP/EIS). The SDP/EIS will be conducted together using a “blended team” approach that combines the resources of the Commission, CDOT staff, and the consultant team.

The SDP/EIS includes significant technical, stakeholder, and public engagement tasks focusing on desired and feasible passenger rail service along the Front Range from Fort Collins to Pueblo/Trinidad. This process is addressing multiple topics, from travel markets and service/operating characteristics to alignment, technology, and funding options.

The SDP/EIS process is also identifying and analyzing several potential governance options to support implementation of Front Range passenger rail. The options are explained further in the attached memo, slide, summary, and matrix from Commission staff (Attachment 1). The Commission anticipates recommending a governance option at its November or December meeting for potential legislative action this upcoming session.

DRCOG staff is seeking Board members’ input on the attached governance options before the Commission makes a formal recommendation. Staff from CDOT’s Office of Policy & Government Relations will facilitate a conversation to seek input at the November 6th meeting.

PREVIOUS DISCUSSIONS/ACTIONS

[September 4, 2019](#)

PROPOSED MOTION

N/A

ATTACHMENTS

Front Range Passenger Rail Governance Options memo, matrix, options summary, and Legislative options slide

ADDITIONAL INFORMATION

If you need additional information, please contact Douglas W. Rex, Executive Director, at 303-480-6701 or drex@drcog.org; or Jacob Riger, Manager, Long Range Transportation Planning, at 303-480-6751 or jriger@drcog.org.

MEMORANDUM

TO: Southwest Chief and Front Range Passenger Rail Stakeholders
FROM: Randy Grauberger, Project Director, SWC&FRPR Commission
RE: Draft governance options to support a Front Range Passenger Rail System in Colorado
DATE: October 16, 2019

At the October Southwest Chief and Front Range Passenger Rail Commission meeting in Loveland, we reviewed four specific governance options to support the delivery of a Front Range Passenger Rail system in Colorado. Each of these scenarios assume the need to secure legislative sponsorship of a measure for consideration this upcoming 2020 legislative session. The options attached focus solely on issues related to structure and primary powers, member jurisdiction and the ability to collect revenues or issue debt. None of the options discussed include a mechanism to secure a dedicated funding source for a project at this time. The Commission has not yet decided whether to recommend pursuing legislative support for a separate funding measure that could be referred to the voters; or the timing for such an effort.

Commissioners provided initial input for each of these options at the Commission meeting on October 11th, a final decision on which option to advance is likely to be made at the next meeting on November 8th. This will give each of the Commission members the time to share the options under consideration with their respective organizations. The Commission needs to make a final decision at the November meeting due to rapidly approaching deadlines for legislators to reserve titles for the bills they would like to sponsor. A first deadline for initial titles is December 2nd. If the November timeline isn't achieved there is some flexibility on the timeline to secure legislative sponsorship of a measure if a legislator can be granted "late bill status" for a bill title. The deadline for late bill introductions is in March.

At the October Commission meeting, the Commission wanted to go on record as showing preference for two of the options and for discussing the removal of one option from consideration. A detailed spreadsheet summarizing the framework for each option is attached. Below is a brief summary of each of the options and the initial preference of the Commission.

- **Public Rail Authority:** (Commission leaning toward consideration)

This approach would require legislation to create a Public Rail Authority in state statute. Following the creation of the Public Rail Authority, as a second step, this authorization would allow for the formation of targeted rail authorities, such as a Front Range Rail Authority or other geographically defined rail authorities throughout the state. Additionally, this option provides the opportunity to plan, design, fund, finance, build, operate and maintain a passenger rail facility. This type of authority would be developed through contracts among participating entities that would then be required to file under the State's Department of Local Affairs.

- **Front Range Passenger Rail Authority (FRPRA):** (Commission leaning toward consideration)

This approach is similar in structure to the previously mentioned comprehensive public rail authority, but it would immediately authorize in state statute the structure for a specific Front Range Passenger Rail Authority (single-step process). Among the other enabling provisions in this statute would be language that allows the authority to plan, design, fund, finance, build, operate, and maintain a Front Range Passenger Rail system.

- **Rail Transportation Enterprise:** (Commission leaning toward removing from consideration)

This approach would create a statutorily authorized Rail Transportation Enterprise within CDOT that would have an independent Board of Directors with full operating and financing powers. It should be noted, however, that the Colorado State Constitution limits the amount of public grants an enterprise can receive to ten percent (10%) of its total revenues. This is similar to the existing High-Performance Transportation Enterprise (HPTE) and Bridge Enterprise entities at CDOT today.

- **Expand Current Commission Authority:** (Commission keeping option on table)

This approach would simply amend the current statutory authority of the Southwest Chief and Front Range Passenger Rail Commission to expand its directive to further review the options above and allow more in-depth evaluation before recommending an approach for advancing the implementation for Front Range Passenger Rail.

Please refer to the attached spreadsheet for additional detail on each of the above options, including some of the potential challenges and opportunities associated with each. We look forward to additional conversation and a decision on which option to advance at the Passenger Rail Commission's November meeting. Meanwhile, please feel free to contact Randy Grauberger or Spencer Dodge with any comments or questions.

Randy Grauberger
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Front Range Passenger Rail Governance Options

10/7/2019

Comparison of Suggested Legislative Authority

Governance Options	Summary description	Legal authorization	Formation	Primary powers	Governing body	Ability to operate & maintain passenger rail system	Condemnation authority	Ability to collect revenues and issue debt	Ability to enter into a Public-Private Partnership agreement	Ability to cooperate with other public agencies and private freight railroads	Opportunities	Challenges
Public Rail Authority	Legislation would create the Public Rail Authority Statute for State of Colorado. The Statute would provide the ability to create a Front Range Passenger Rail Authority and any other rail authority the State would wish to create in the future. (this option pulls language from the existing Public Highway Authority and Regional Transportation Authority statutes)	Mirror Public Highway Authority (e.g. E-470); Uniform Election Code of 1992, Articles 1 to 10 of Title 1, C.R.S	Requires legislative authorization for creation of the Public Rail Authority, followed by contracts (IGA, MOU) with participating entities through the Division of Local Government.	Mirror existing Public Highway Authority legislation language that would allow the Public Rail Authority to plan, design, fund, finance, build, operate, and maintain.	Board of Directors at least one elected official from each member jurisdiction or combination of jurisdictions	Legislation should provide flexibility to allow system O&M to be provided through: a) Public Rail Authority staff; b) contracted to a private provider; or c) contracted with Amtrak	Two options based on existing statutory language. Option 1 - mirror Public Highway Authority and condemnation would be available through an extension of the existing power granted to participating local governments. Option 2 - mirror Regional Transportation Authority and condemnation authority is provided in statute.	Mirror statutory language to allow the Authority to assess fees; raise taxes; issue revenue bonds; and charge fares and user fees (what fees and taxes to include)	Mirror existing legislation language that would allow the Public Rail Authority to pursue P3 opportunities, when applicable.	Mirror statutory language that provides the ability to enter into agreements (contract, IGA) with CDOT/HPTE; RTD; Class 1 and Short-line Railroads; Amtrak; and neighboring States adjacent to rail corridor	Would enable a Front Range Passenger Rail Authority and other Rail Authorities to be created at some point in the future without having to go back for enabling legislation.	With regards to the Front Range Passenger Rail Authority, creation would require a two step process.
Front Range Passenger Rail Authority (FRPR)	Legislation would create the Front Range Passenger Rail Authority (FRPR) (this option pulls language from the existing Public Highway Authority and Regional Transportation Authority statutes)	Mirror Public Highway Authority (e.g. E-470); Uniform Election Code of 1992, Articles 1 to 10 of Title 1, C.R.S	Requires legislative authorization for creation of the FRPR Authority, followed by contracts (IGA, MOU) with participating entities through the Division of Local Government.	Mirror existing Public Highway Authority legislation language that would allow the FRPR Authority to plan, design, fund, finance, build, operate, and maintain the defined rail corridor.	Board of Directors at least one elected official from each member jurisdiction or combination of jurisdictions	Legislation should provide flexibility to allow system O&M to be provided through: a) FRPR staff; b) contracted to a private provider; or c) contracted with Amtrak	Two options based on existing statutory language. Option 1 - mirror Public Highway Authority and condemnation would be available through an extension of the existing power granted to participating local governments. Option 2 - mirror Regional Transportation Authority and condemnation authority is provided in statute.	Mirror statutory language to allow the Authority to assess fees; raise taxes; issue revenue bonds; and charge fares and user fees (what fees and taxes to include)	Mirror existing legislation language that would allow the FRPR Authority to pursue P3 opportunities, when applicable.	Mirror statutory language that provides the ability to enter into agreements (contract, IGA) with CDOT/HPTE; RTD; Class 1 and Short-line Railroads; Amtrak; and neighboring States adjacent to rail corridor	Creates the FRPR Authority with defined boundaries during the 2020 Legislative session.	Full legislative vote on creating a rail authority that only provides service on the Front Range.
Rail Transportation Enterprise	Legislation would create a Rail Transportation Enterprise similar to the existing High Performance Transportation Enterprise (HPTE) and Bridge Enterprise within CDOT	Colo. Const. Art. XIV § 20; §§ 29-1-201 et seq., C.R.S.	Statutory Authorization; Intergovernmental Agreement with governing entities	Generally, powers match those of county, municipality or all members of a combination of same. Enterprise may be legislatively established on state or regional level to pursue transportation.	Board of Directors as provided for in the enterprise resolution or agreement (for both BE and HPTE, appointed by Governor via statute); makeup could be legislatively defined	Legislation should provide flexibility to allow system O&M to be provided through: a) FRPR staff; b) contracted to a private provider; or c) contracted with Amtrak	No - would need to come through participating governmental entities	Only 10% of the revenue of an enterprise can come from outside sources (i.e. taxes, general fund, etc.). Fees and/or Farebox Charges/Tolls (i.e. Passenger Fare); specific fees can be defined in statute or left open-ended	Mirror existing Enterprise legislation that would allow the Rail Transportation Enterprise to pursue P3 opportunities, when applicable.	Mirror statutory language that provides the ability to enter into agreements (contract, IGA) with CDOT/HPTE; RTD; Class 1 and Short-line Railroads; Amtrak; and neighboring States adjacent to rail corridor	Does not require vote of the people to form or to issue debt; any revenue is TABOR-exempt	Cannot receive more than 10% of revenues from outside sources, making bond issuances difficult and possibly costly; cannot raise taxes, limiting potential revenue

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Front Range Passenger Rail Governance Options

10/7/2019

Comparison of Suggested Legislative Authority

Governance Options	Summary description	Legal authorization	Formation	Primary powers	Governing body	Ability to operate & maintain passenger rail system	Condemnation authority	Ability to collect revenues and issue debt	Ability to enter into a Public-Private Partnership agreement	Ability to cooperate with other public agencies and private freight railroads	Opportunities	Challenges
Expand current SWC&FRPR Commission authority	Modify existing legislation to expand current authority in order to review the Public Rail Authority and Rail Transportation Enterprise governance options described above and recommend the preferred option	Statutory 43-4-1001	Existing SWC Commission	Facilitate implementation for FRPR, enter into contracts/MOU's with local entities, and develop draft legislation	Appointed Board	No	No	Requires annual appropriation from the Legislature	No	Maintain existing legislation that provides the ability to enter into agreements (contract, IGA) with CDOT/HPTE; RTD; Class 1 and Short-line Railroad; Amtrak; and neighboring States adjacent to rail corridor	Continuity with current Commission; knowledge base already intact	Requires statutory change to enhance allowable functions of current Commission; no ability to raise revenue without help of legislature

Front Range Rail Governance Options

1. Public Rail Authority

- **Concept:** Non-defined district that allows one or more rail authorities to be created in Colorado voluntarily; concept similar to Public Highway Authority (PHA) that governs E-470
- **Powers:** Dependent on legislation; Can be created through contract with jurisdictions and allow authority to plan, design, fund, finance, build, operate and maintain railway; Way legislation is written can allow vote for raising taxes throughout district, but does not give veto power to a single jurisdiction
- **Financing Authority:** Dependent on legislation; Currently aiming to include Fees (including development and impact fees), Property and Sales Taxes; Bonds can be issued
- **Statutory Changes:** Necessary to create Authority and Board; Modeled after C.R.S. 43-4-501 that created the PHA, although some additional statute should be added to increase powers, including financing options. PHA statute defines a public highway as “a beltway or other transportation improvement located in a metropolitan region which shall be an expressway which generally circumscribes a metropolitan region”

2. Front Range Rail District

- **Concept:** Defined district written into statute in the Front Range, leaves other areas out of potential opportunities
- **Powers:** Dependent on legislation; Legislation can be created to not give jurisdictions veto-power; Allow authority to plan, design, fund, finance, build, operate and maintain railway
- **Financing authority:** Dependent on legislation; Currently aiming to include Fees (including development and impact fees), Property and Sales Taxes; Bonds can be issued
- **Statutory Changes:** Necessary to create a district and Board, although powers can be modeled after PHA (C.R.S. 43-4-501) or RTA (C.R.S. 43-4-601) and statute can be added to increase powers, including financing.

3. Enterprise

- **Concept:** In legislation, an Enterprise can be created (possibly connected to CDOT) to provide for the creation, financing, and operation of rail
- **Powers:** Dependent on legislation, but Enterprise can contract with public and private parties to create, finance and operate a rail line
- **Financing authority:** No taxes, but otherwise dependent on legislation; Fees can be enacted for operation of rail (and for other uses); Bonds can be issued; Enterprise cannot be granted more than 10% of annual revenue from other sources
- **Statutory Changes:** Necessary to create Enterprise (and related Board) and house it independently or within CDOT. Powers need to be defined, but could be modeled after HPTE (C.R.S. 43-4-806)

4. Continue SW Chief and Front Range Rail Commission with Expanded Authority

- **Concept:** Continuation of basic mission, with more authority (such as recommending a governance structure) and possible revenue
- **Powers:** Studies and recommending legislation, continue to lay the groundwork for implementation of Front Range Rail
- **Financing authority:** None, can accept donations
- **Statutory Changes:** Not necessary, except funding beyond FY 2020-21 needs to be identified



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Legislative Options

1. **Public Rail Authority:** Allows local governments the ability to build an authority over time as planning and funding options arise.
2. **Front Range Rail District:** Includes a defined district along the I-25 corridor and a more specific governance structure; powers and financing authority would be detailed in statute.
3. **Rail Enterprise:** Connected to CDOT; focused more on P3s; powers and financing authority would depend on statute.
4. **Expand SW Chief/FRPRail Commission:** Provide additional scope and authority to existing Commission, along with appropriation.

