

**NORTHWEST FIXED GUIDEWAY CORRIDOR IMPLEMENTATION
PLAN AND REPORT TO THE LEGISLATURE AND THE GOVERNOR**

SEPTEMBER 30th, 2024

**NORTHWEST FIXED GUIDEWAY CORRIDOR IMPLEMENTATION PLAN AND REPORT TO THE
LEGISLATURE AND THE GOVERNOR**

Table of Contents

Background3

Report Requirements3

I. Studies and Modeling to Facilitate Implementation4

 A. Recent Completed and Ongoing Studies and Service Development Plans4

 1. Northwest Rail Peak Service Study (2024)4

 2. Front Range Passenger Rail Service Development Plan (Ongoing)4

 B. Other Studies7

 1. State Rail Plan7

 2. Front Range Passenger Rail Alternatives Analysis7

 3. FasTracks Unfinished Corridors Report (2019)7

 4. Northwest Rail Corridor Environmental Evaluation (2010)8

 5. Northwest Area Mobility (2014)8

II. Creation of a Cooperative Unit for Joint Service8

 A. Creation of a Standalone Colorado Rail Authority9

 B. Creation of a standalone legal entity such as a Colorado nonprofit corporation under Title 7 Colorado Revised Statutes.....9

 C. Creation of a Binding and Perpetual Agreement among the Parties 10

 D. The Parties’ Decision Process for Governance and Implementation 10

III. Finance and Funding 10

 A. Financial Analysis..... 10

 B. Funding Sources 11

IV. Exploration of Potential Operators of Front Range Passenger Rail 12

V. Stakeholder Outreach 13

VI. Looking Forward 14

Glossary 15

NORTHWEST FIXED GUIDEWAY CORRIDOR IMPLEMENTATION PLAN AND REPORT TO THE LEGISLATURE AND THE GOVERNOR

Background

In the spring of 2024, the Colorado General Assembly adopted Senate Bill 24-184 (“SB – 184”). SB – 184 contains a legislative mandate to the Colorado Department of Transportation (including its High Performance Transportation Enterprise, *dba* Colorado Transportation Investment Office), the Regional Transportation District and the Front Range Passenger Rail District (individually CDOT, CTIO, RTD, and FRPRD in this report and collectively the “Parties”) to work together to implement the completion of construction and operation of the Northwest Fixed Guideway Corridor, including an extension of the corridor to Fort Collins as the first portion of Front Range Passenger Rail (the “Project”.) Front Range Passenger Rail service is intended to connect communities from Fort Collins, through Denver and on to Trinidad. The General Assembly has declared that accelerating the provision of fixed guideway service on the Northwest rail corridor as the first phase of Front Range Passenger Rail service will not in any way slow planning, development, grant-seeking, or other activities needed for the expeditious delivery of the remaining elements of Front Range Passenger Rail service or unfinished FasTracks projects. The General Assembly intends that completion of the Project will expedite completion of the entire rail service.

Report Requirements

With SB-184, the General Assembly is actively encouraging the Parties to combine their powers and authority to build and operate infrastructure improvements and to use their available local revenue sources to take advantage of available federal moneys for such purposes. The federal government has made billions of dollars available to states, local governments and private entities in the 2021 bipartisan Infrastructure Investment and Jobs Act (IIJA). Many of these federal grants provide an 80% federal share and require only a 20% match from the grant recipient’s own revenue sources. The Parties acting collectively can boost the total amount of revenue available for the local match, as well as operate and maintain the Project.

Among the requirements of the Parties in SB-184 are:

- Prepare an Implementation Plan to be included in a report to the Transportation Legislation Review Committee of the Colorado General Assembly due on or before September 30, 2024
- Identify all ongoing and completed studies and service development plans that could be leveraged to accelerate approval and permitting for the Project
- FRPRD and CDOT must use existing contracts to the extent possible to conduct rail traffic controller (RTC) modeling and other analyses for intercity passenger rail service from Denver Union Station to Fort Collins for at least 2 scenarios, including a scenario of 3 round trips (RT)/day and one of 5 RT/day
- The Parties must identify and evaluate options for creating a new standalone entity such as a Colorado Rail Authority, a separate legal entity created under Sections 29-1-203 and 203.5 Colorado Revised Statutes (CRS), a separate legal entity created pursuant to Articles 121-137 of Title 7, CRS, or a standalone IGA as a business model
- Explore the viability of Amtrak or other entities as potential operators for intercity passenger rail service

NORTHWEST FIXED GUIDEWAY CORRIDOR IMPLEMENTATION PLAN AND REPORT TO THE LEGISLATURE AND THE GOVERNOR

The following first Implementation Plan and Report addresses the requirements set forth above and is a faithful accounting of the actions and activities of the Parties to date in furtherance of the goal of the Project.

I. Studies and Modeling to Facilitate Implementation

There has been considerable analysis over time planning for Northwest Rail and Front Range Passenger Rail.

A. Recent Completed and Ongoing Studies and Service Development Plans

The Northwest Rail Peak Service Study and the ongoing Front Range Passenger Rail Study reflect the most current and detailed review of passenger rail service on the corridor.

1. Northwest Rail Peak Service Study (2024)

The Northwest Rail Peak Service Study (NRPS Study) was conducted for RTD to assess the feasibility of providing a peak service operation between Denver Union Station (DUS) and Longmont consisting of three weekday peak period trips from Longmont to DUS in the morning and three weekday evening trips from Denver to Longmont. The study identified the infrastructure, fleet, BNSF Railway (BNSF) requirements, and capital and operating cost estimates needed to implement the peak period service on the 45-mile corridor that would operate on the existing RTD B-Line (6 miles) and existing freight tracks (39 miles).

The Study was conducted by RTD and its contractors and used rail traffic simulation modeling to determine the infrastructure improvements necessary to meet both RTD's requirements and the freight needs of BNSF. BNSF conducted a portion of the study to generate 30% designs and capital cost estimates. BNSF did not provide costs for easements to provide access without a full understanding of the total number of passenger trains that would use the corridor. While the Peak Service is different from Front Range Passenger Rail service (which will be bidirectional, weekday and weekend, and extend into Fort Collins and eventually to Pueblo), the findings of the study can provide valuable insight toward the advancement of the Project. It is believed that the capital improvements for signals, sidings and other infrastructure for a similar number of trains will be used to assess what will be needed for initial service between Denver and Longmont and can be useful for assessing costs for improvements north of Longmont. Discussions with BNSF and operations modeling are ongoing.

2. Front Range Passenger Rail Service Development Plan (Ongoing)

CDOT is leading the development of a Service Development Plan (SDP) for Front Range Passenger Rail service between Pueblo and Fort Collins. An SDP is a study that is a product of a formal process created by the Federal Railroad Administration (FRA) to support initiation of new or expansion of existing intercity passenger rail service. According to FRA, the main objectives of a SDP are to identify the draft purpose and need statement for intercity passenger rail development;

NORTHWEST FIXED GUIDEWAY CORRIDOR IMPLEMENTATION PLAN AND REPORT TO THE LEGISLATURE AND THE GOVERNOR

incorporate an analysis of alternatives supported by technical transportation planning and conceptual engineering; incorporate a high-level analysis and consideration of environmental factors associated with the alternatives; include input provided through public involvement and relevant public agencies; and identify the governance structure for the implementation and operation of the new service. The SDP results in a corridor project inventory to identify the capital projects necessary to achieve the proposed service.

The SDP serves as the foundation for further project development activities, including environmental review pursuant to the National Environmental Policy Act (NEPA), preliminary engineering, discretionary grant applications under the Federal-State Partnership for Intercity Rail program, and other efforts. CDOT, the Southwest Chief and Front Range Passenger Rail Commission (predecessor to the current Front Range Passenger Rail District) applied for and received a Consolidated Rail Infrastructure and Safety Improvements (CRISI) grant from FRA in 2020 to develop a SDP for Front Range Passenger Rail service on existing freight lines. Further, both the SDP and project development efforts are also eligible for FRA support under the Corridor Identification and Development (Corridor ID) program that is part of the Federal-State Partnership grant program in the IJJA. FRA granted an application to the FRPR District in 2023 for inclusion in Corridor ID.

HNTB Corporation (HNTB) is currently contracted by CDOT to develop the Service Development Plan for Front Range Passenger Rail, including operations modeling using RTC simulation for future Front Range Passenger Rail service. Consistent with SB-184, CDOT will use this existing contract to have HNTB conduct RTC modeling of potential joint service.

Rail operations modeling provides an ability to simulate how current and future freight and passenger operations can share operations on existing rail lines, and how possible infrastructure improvements can affect congestion, increase speeds and provide reliability. RTC is a software simulation tool used in the rail industry to conduct such analyses. HNTB is working with FRA, CDOT, FRPRD, BNSF, Union Pacific Railroad (UPRR) and RTD to conduct and validate the modeling for use in the SDP.

RTC modeling starts with building a model for how existing rail traffic operates on the current rail network within the study limits. This includes collecting data for the model input. Data collected includes; train operating schedules, train characteristics such as types of trains (such as coal, auto, merchandise, intermodal and other types), length, power, and other factors for the train, along with track configuration, signal locations, curves, grade, operating speeds, sidings and other elements for the existing infrastructure and operations. Next, the future baseline freight and passenger traffic is estimated and added to the simulation without the proposed passenger operations being studied added. Current SDP modeling will look at 2035, 2045 and 2055 future year cases, requiring assessment of future freight growth and operations, along with any known capital improvements not provided for Front Range Passenger Rail. Finally, proposed passenger rail operations will be added to determine the impacts on freight operations. To the extent that such passenger operations require capital improvements, or the passenger operations negatively impact freight

NORTHWEST FIXED GUIDEWAY CORRIDOR IMPLEMENTATION PLAN AND REPORT TO THE LEGISLATURE AND THE GOVERNOR

operations, improvements such as added sidings, mainline track, crossovers, etc., will be added to the model to determine how performance goals can be met.

At each step of the RTC modeling, HNTB and CDOT will work with the host railroads, FRA and FRPRD to ensure that modeled inputs are correct and that the modeled outputs reasonably reflect current or future conditions.

With successful modeling, the participants can have a common understanding to develop schedules, capital improvements and other mitigations to ensure freight and passenger trains can operate efficiently. This information can then be used to optimize the schedules, speeds, capital costs and environmental information needed for the SDP and subsequent environmental review, as well as financial plans, grant applications and procurements. Similarly, it supports access negotiations with the host railroads to determine what improvements will be needed to initiate passenger service.

The original SDP scope of work for HNTB did not explicitly include joint service, although the FRA and other parties have been interested in understanding how RTD Northwest Rail would interact with Front Range Passenger Rail service on the BNSF Front Range Subdivision. Modeling joint service will be a means of addressing these questions more efficiently than assuming both RTD Peak Service and Front Range Passenger Rail intercity service will operate with freight all at the same time. Thus, the Parties have agreed on the following assumptions for the RTC modeling being conducted for CDOT in addition to the original SDP scope of work:

- One operator
- One access agreement with BNSF
- The route is from Denver Union Station on the RTD B-Line to Westminster then on BNSF freight line beyond Fort Collins
- Stops will include Front Range Passenger Rail primary markets and three possible stops from the RTD Peak Service Study, including Denver Union Station, Westminster, Broomfield, Downtown Louisville, Boulder, Longmont, Loveland, and Fort Collins.
- Schedules for potential joint service are part of ultimate service from Pueblo to Fort Collins to ensure integration of joint service into full Front Range Passenger Rail service.

Note that inclusion in modeling does not indicate that any stops are technically or financially feasible, that any of the Parties have made any decisions regarding these stops, or that the FRA has made any decisions regarding whether this system will perform as intercity rail. However, the modeling will help support decision making on these issues by the Parties, FRA, BNSF and others.

The operations analyses conducted by HNTB will include schedules, performance and capital improvements for 3 RT/day and 5 RT/day scenarios, consistent with SB-184.

HNTB will model both joint service and stand-alone Front Range Passenger Rail intercity service, including service with and without the B Line. During the evaluation of B Line use, the analysis will need to consider the interface of joint service with the existing RTD Commuter Rail operations

NORTHWEST FIXED GUIDEWAY CORRIDOR IMPLEMENTATION PLAN AND REPORT TO THE LEGISLATURE AND THE GOVERNOR

performed by RTD's Concessionaire Denver Transit Partners (DTP) and their O&M operator, Denver Transit Operators (DTO), collectively DTP/O. In 2010, RTD entered into a Concession and Lease Agreement (CA) through a Public-Private-Partnership (P3) with DTP for 28 years with the concession period ending at the end of 2044. Through this agreement, RTD leases its property and assets to DTP/O for them to perform their operations, maintenance and dispatching of the DTO controlled territory which includes the B Line out to Westminster Station and G Line out to Wheat Ridge Ward Road Station.

The CA does contemplate new third-party railroads proposing and requesting access on DTO controlled territory that is leased to DTP. The Parties will have to evaluate fully what agreements will need to be in place for intercity rail to run on DTO controlled territory and utilize DUS platforms, as well as potential costs.

B. Other Studies

1. State Rail Plan

CDOT develops and maintains the State Rail Plan ([link](#)) pursuant to FRA requirements to provide a comprehensive plan to address freight and passenger rail transportation needs across Colorado. The Plan summarizes the current state of rail in Colorado and also provides vision for future projects. CDOT updated the State Rail Plan in 2024, and it includes Front Range Passenger Rail as a priority for development.

2. Front Range Passenger Rail Alternatives Analysis

In 2020, CDOT and the Southwest Chief and Front Range Passenger Rail Commission completed an Alternatives Analysis that evaluated corridors for passenger rail service to the major population centers, considered governance options, and conducted stakeholder outreach. The Alternatives Analysis showed that Front Range Passenger Rail service is technically feasible and can be implemented using existing transportation corridors ([link](#)).

The Alternatives Analysis recommended a system whereby passenger trains operate on shared track with freight operations, which would decrease the initial investment capital needed to implement future Front Range Passenger Rail service. In conjunction with this effort, CDOT and metropolitan planning organizations along the Front Range incorporated Front Range Passenger Rail into their planning documents. The Alternatives Analysis also led CDOT and the Southwest Chief and Front Range Passenger Rail Commission to seek and receive the grant from the Federal Railroad Administration (FRA) to develop an ongoing SDP.

3. FasTracks Unfinished Corridors Report (2019)

The FasTracks Unfinished Corridors Report was developed to address the agency's continuing commitment to complete the FasTracks program and included draft ideas, opportunities, and approaches for completion of the North Metro Line, the Southwest Extension, the Central Corridor Extension, and the Northwest Rail. In the report was a summary of information discovered through the 2010 Northwest Rail Corridor Environmental Evaluation (NRCEE) and the 2014 Northwest Area

NORTHWEST FIXED GUIDEWAY CORRIDOR IMPLEMENTATION PLAN AND REPORT TO THE LEGISLATURE AND THE GOVERNOR

Mobility Study (NAMS) pertaining to the Northwest Rail and an outline of proposed steps to move forward on the Northwest Rail. The report included the concept of the Peak Period Plan and provided conceptual operating parameters, stations, projected ridership numbers, and order-of-magnitude capital cost estimates and operating and maintenance cost estimates.

4. Northwest Rail Corridor Environmental Evaluation (2010)

RTD initiated the NRCEE to identify and evaluate environmental impacts of implementing a fixed guideway, commuter rail transit service between Denver and Longmont as part of the 2004 FasTracks program. The project was envisioned to be completed in two phases; the first phase would be from Denver Union Station to Westminster/71st Avenue Station using Electric Multiple Units (EMU). Phase 2 would use Diesel Multiple Unit (DMU) technology from DUS to Longmont. The first phase, known as the B-Line, was completed in 2016 as part of the RTD Eagle P3 project.

5. Northwest Area Mobility (2014)

The Northwest Area Mobility Study (NAMS) was undertaken as a 13-month effort to develop a prioritized list of mobility improvements for the Northwest area of the RTD service area. Utilizing a collaborative decision-making process RTD, CDOT and the Northwest Area stakeholders agreed upon study goals, objectives and performance measures to evaluate phased construction of the Northwest Rail, feasibility of extending North Metro Rail Line to Longmont, US 36 Bus Rapid Transit (BRT) commitments, and feasibility of new arterial BRT lines.

II. Creation of a Cooperative Unit for Joint Service

As set forth above, SB-184 identifies three broad options for governing joint exercise of power by the Parties. The legislation encourages the Parties to use their joint authorities and funding streams to deliver the first phase of Front Range Passenger Rail service. Since the Legislature created the FRPRD in 2021, the Parties have met and consulted together. In early 2024, they collaborated to produce a White Paper detailing some of the many ways in which they might combine efforts and accelerate action in order to take advantage of the availability of federal funding ([link](#)). The adoption of SB-184 reinforced the idea of working together to access federal funding but also to accelerate and enhance the delivery of rail service jointly. In early August, the Parties retained the services of a Special Advisor (Advisor) who has experience with various governance protocols for joint project delivery. On the 19th of August, the Advisor led a successful charrette for all principals and staff of the Parties. During that collaborative 3-hour planning session, the Parties discussed common goals and how to achieve them. As a result, the Parties established three working committees: Governance, Operations and Funding/Finance. Members of each of the committees comprise principals and staff of each of the Parties. The Governance Committee is leading the evaluation and decision-making with respect to the ultimate governance of the group of the Parties in the long term.

NORTHWEST FIXED GUIDEWAY CORRIDOR IMPLEMENTATION PLAN AND REPORT TO THE LEGISLATURE AND THE GOVERNOR

With the help of the Advisor, the Parties recently have completed the evaluation portion of this legislative mandate by evaluating all available options for governance, especially those suggested in SB-184. Progress from start to finish with that evaluation process was as follows:

A. Creation of a Standalone Colorado Rail Authority

The Parties briefly considered the option of creating a statewide rail authority but have concluded that evaluating such an initiative would need to be much more broad-based than the Parties could provide with existing resources and under the schedule for SB 24-184 The Legislature did not grant to the Parties the kind of resources nor timeline needed to undertake such an effort. Therefore, this concept may have merit and could be studied further but such study is beyond the abilities of the Parties at this time.

B. Creation of a standalone legal entity such as a Colorado nonprofit corporation under Title 7 Colorado Revised Statutes

The Parties were aware that several successful cooperative governance structures of a corporate nature have been used for projects in Colorado recently. Steps they have taken to look at this option include:

- The Governance Committee (described above) has held meetings to discuss aspects of governance that will be important as they work toward delivery of joint rail service to the northwest corridor
- Members of the Governance Committee have been given and many have reviewed, examples of working documents from successfully-governed corporate collaborations such as the Framework Agreement of the National Western Center Authority and the Principles of Governance of the Denver Union Station Project Authority
- Members of the Governance Committee have sought and held lessons-learned discussions with staff and principals of such corporate entities
- The Governance Committee has examined carefully the questions: “What does a new entity bring to the consortium that no one Party has on its own?” and “What would a new entity do in the long term?”

These evaluation efforts led to a final consideration of the option of creating a new stand-alone entity at a meeting of the Governance Committee on the 18th of September, with 10 members attending. It was agreed by the attending members that consensus had been reached by the Parties to move on from the new entity option and begin the process of focusing on an intergovernmental Agreement (the “IGA”) that will establish oversight and guidance for the group of agencies to jointly develop and provide rail service. In accordance with SB-184, the Governance Committee will establish a goal to adopt and fully execute the IGA by or before 31 December 2024.

In order to structure an IGA that will cover financial commitments toward a joint rail service, detailed project costs, service plans and committed funding sources will need to be established. At this time, those items are not yet determined.

C. Creation of a Binding and Perpetual Agreement among the Parties

Negotiating and executing an IGA is within the powers of each of the Parties and the Parties, pursuant to Sections 29-1-203 and 203.5, CRS, are authorized to negotiate and contract between and among themselves. It is not uncommon for governmental agencies to combine their powers and their money to achieve a mutual goal; at this time, an IGA appears to be the best way for the Parties to work together to deliver joint rail service.

The Parties are discussing their own powers and authorities to determine if there is anything the group needs to be able to do that no one of them can do. They also are discussing their own willingness to share roles and responsibilities among themselves and asking questions about trust and mutual respect within an IGA context.

Each of the Parties is locating examples of existing IGAs that have worked well for them in the past. The Governance Committee will be reviewing those IGAs for relevance in the joint service delivery context. In this way the Parties may be able to create a useful template for going forward. The Attorney General's office has provided a team of attorneys to guide and assist in this work.

D. The Parties' Decision Process for Governance and Implementation

The Parties understood that a consensus regarding governance had to be reached quickly. The business of evaluation of the various governance options was quickly and efficiently dispatched, and work will begin on structuring the IGA in October of 2024.

III. Finance and Funding

FRPRD performed a financial analysis of the Front Range Passenger Rail corridor to inform its decision-making on a potential filing of a November 2024 ballot measure asking District voters to approve a sales tax increase for new intercity rail service between Fort Collins and Pueblo. The scope of the financial analysis was to assess the feasibility of supporting capital construction and long-term operating costs for six daily roundtrips throughout the corridor, with sensitivities performed on key analysis variables and inputs.

The analysis also tested different contingency assumptions to account for the level of design completed to date and the early stage of discussions with the freight railroads who own the FRPR corridor right-of-way, resulting in a range of outputs to better understand the degree of financial support needed from a future sales tax ballot measure. The resulting analysis was presented to the FRPRD Board for further consideration.

A. Financial Analysis

The Parties have initiated a financial study to assess the feasibility of delivering intercity passenger rail starter service with three to five daily roundtrips from Denver Union Station to Fort Collins. The analysis will use data generated by RTD's NRPS Study to estimate the capital costs and shall use cost benchmarks from passenger service provided along similar intercity rail corridors to forecast

NORTHWEST FIXED GUIDEWAY CORRIDOR IMPLEMENTATION PLAN AND REPORT TO THE LEGISLATURE AND THE GOVERNOR

operations and maintenance costs. This analysis will rely upon these benchmarks to the extent project-specific data is not available.

In addition, the Parties are initiating an analysis of the funding available for this project from the following sources: (1) FasTracks sales tax revenue, (2) FasTracks savings accounts, (3) SB-184 and other eligible enterprise funding, and (4) any potential new sources such as contributions from local governments and other regional transit authorities. This financial analysis will use the resulting revenue and cost forecasts under various scenarios to illustrate how starter service on the northern segment of the Front Range Passenger Rail corridor might be funded and financed.

As discussed earlier in this Report, the Parties will be using RTC modeling of three to five daily roundtrips from Denver Union Station to Fort Collins as set forth in SB184. It is anticipated that the NRPS Study also will provide some data to better estimate the cost of capital improvements along the northern segment. The NRPS Study cost estimates are specific to DUS to Longmont section and a continued assessment for the corridor conditions and BNSF requirements north of Longmont is needed to refine cost estimates for the entire Project.

The analysis will focus on the most affordable delivery options given SB 184's objective of identifying starter service that can be delivered as soon as possible.

B. Funding Sources

The financial study will include an analysis of funding and financing sources available for joint rail service and the limitations that may exist on uses of those funds (e.g., the restriction on RTD spending outside its service area and the legal fee nexus for SB-184, 230 and 260.) This portion of the study will, at a minimum, include an analysis of revenue available to this project from the following sources:

- FasTracks sales tax and savings account
- SB-194
- SB-184
- SB-230
- SB-260
- Federal grant opportunities
- Farebox collection scenarios
- Federal loan/financing opportunities

The Parties intend to explore similar projects like RTD's southeast rail project where the local government contributed with RTD to finish the project. Some information about situations like this may be readily available but some may require data-sharing agreements. The Parties intend to create a template agreement to facilitate the sharing of information.

IV. Exploration of Potential Operators of Front Range Passenger Rail

The Parties agreed that having one operator on the BNSF Front Range Subdivision would be beneficial. The Parties have not yet discussed how an operator would be chosen for joint service, but this will be addressed in forthcoming reports.

However, following up on Sections 32-22-103(5)(a)(III), CRS, Amtrak and other entities are viable potential operators for joint service, evolving into full Front Range Passenger Rail corridor options. Based on current FRA guidance, an operator path for Front Range Passenger Rail (either Amtrak under federal law or a competitive procurement) would need to be accomplished before moving from the SDP stage of the Corridor ID program to the third phase of environmental review and grant seeking. This means that an initial path is likely to be needed in 2025.

Amtrak has expressed interest and capability in operating Front Range Passenger Rail service, including joint service. Amtrak is the national passenger railroad, created by Congress in the Rail Passenger Service Act of 1970 to provide intercity passenger rail service in the United States, which was struggling at the time. Amtrak provides both long-distance services (such as the California Zephyr and the Southwest Chief that serve Colorado and “State-Supported Services” of less 750 miles, of which there are currently 30 outside of Colorado. State and local entities are responsible for most of the rail infrastructure and operations and maintenance costs of these routes. Amtrak has identified Front Range Passenger Rail service in its long-term expansion plan “Amtrak Connects US” in May 2021. Amtrak also is represented on the FRPRD with a non-voting Director seat. Amtrak also briefed the Front Range Passenger Rail on Amtrak capacity and interest in June 2024.

Amtrak has special status under Federal law for providing intercity service. It has a statutory right to operate on freight rail tracks, so long as it provides infrastructure needed to preserve the quality of freight transportation on the line. Amtrak also generally has preference for intercity trains over freight trains, unless otherwise provided by the Surface Transportation Board. Under the Passenger Rail Investment and Improvement Act of 2008 (PRIIA), Amtrak’s costs charged to public sponsors are set by formula rather than being set by procurement for each individual service. Amtrak also has a large fleet and workforce, with additional fleet procurement in process with funds from the IIJA, that provide it capacity to provide new service with enough lead time. Similarly, Amtrak has existing insurance that allows sponsors to secure liability insurance up to the federal statutory liability cap of \$323 million without the sponsor and/or operator securing such insurance from the market.

Aside from Amtrak, other operators exist that can provide intercity passenger rail service if the host railroads (in the case of FRPR, BNSF and UPRR) provide access to their lines by agreement. Unlike Amtrak, third-party operators do not have a Federal statutory right to access to freight tracks, which makes agreement essential. Third-party (non-Amtrak) operations are more frequent for commuter service on freight lines across the country than intercity service, but third-party operators exist (e.g., Brightline in Florida).

These operators are able to work with public sponsors to meet insurance, access, rolling stock and other requirements for providing rail passenger service. A trade group representing many of these

NORTHWEST FIXED GUIDEWAY CORRIDOR IMPLEMENTATION PLAN AND REPORT TO THE LEGISLATURE AND THE GOVERNOR

entities presented at an FRPRD Board workshop in August 2024. The group indicated third-party interest and capacity to provide Front Range Passenger Rail service. While the group acknowledged that third-party operators do not have some of the statutory advantages of Amtrak, it claimed that such operators can provide better service at a lower cost.

While both Amtrak and non-Amtrak operators may be viable for joint service and expanded Front Range Passenger Rail service, additional assessment and process will be needed to determine whether to choose the Amtrak model or a competitive procurement (which could include Amtrak as a possible bidder). As noted, this will need to be addressed in the near future to enable FRA environmental review, Corridor ID funding for preliminary engineering and seeking certain grants.

V. Stakeholder Outreach

In August the Parties retained the services of a facilitator (Facilitator) to structure and manage stakeholder outreach. The Facilitator has developed a slide deck for use with meetings with a variety of stakeholders and stakeholder groups. The following is a list of stakeholders engaged early in our outreach ([link](#)). The Facilitator is continuing to schedule additional meetings and will revise the slide deck as needed as the Parties reach consensus and make progress going forward.

Key Partners

- Boards of RTD, FRPRD, CTIO, CDOT/CDOT Rail

Associations & Organizations

- Leadership of Metro Caucus of Mayors, DRCOG, Commuting Solutions

Affected Community Leaders

- Leaders including Colorado's Congressional Delegation in both CO-02 and CO-07, State Representatives & Senators representing North Corridor communities, Chamber Directors, Mayors, City Councilors & County Commissioners in Adams, Boulder, Broomfield & Larimer Counties.

Based on our initial set of meetings, we have been asked to attend and are coordinating future meetings with the full membership or committees from Metro Caucus of Mayors, DRCOG and multiple Chambers of Commerce. We are exploring additional opportunities to meet with EDCs, additional chambers, CML, CCI, CCAT and others.

VI. Looking Forward

Future efforts under current work plan include:

- Creating a new committee, the Messaging Committee (committee of the whole; committed to clarifying and making consistent the single voice of the Parties)
- Continuing the meetings of the initial three committees on a regular basis
- Preparing for, outlining and drafting Implementation plan for starter rail service delivered by 2029, for report due on March 1, 2025
- Investigating and ultimately selecting the one operator for Front Range Passenger Rail service
- Continuing to work with outside stakeholders
- Structuring the IGA, including:
 - Creating an executive oversight committee for the Parties
 - Contracting and other procurement issues
 - Access to, managing and understanding funding mechanisms
 - Navigating political (and Political) complexities
 - Creating efficiencies and streamlining processes through joint service
 - Defining the group relationship and individual roles and responsibilities

**NORTHWEST FIXED GUIDEWAY CORRIDOR IMPLEMENTATION PLAN AND REPORT TO THE
LEGISLATURE AND THE GOVERNOR**

Glossary

BRT	Bus Rapid Transit
BNSF	BNSF Railway
CA	Concession and Lease Agreement
CCAT	Counties and Commissioners Acting Together
CCI	Colorado Counties Inc.
CDOT	Colorado Department of Transportation
CML	Colorado Municipal League
CO	Colorado
Corridor ID	Corridor Identification and Development Program
CRISI	Consolidated Rail Infrastructure and Safety Improvements
CTIO	Colorado Transportation Investment Office
DMU	Diesel Multiple Unit
DRCOG	Denver Regional Council of Governments
DTO	Denver Transportation Operators
DTP	Denver Transit Partners
DUS	Denver Union Station
EDC	Economic Development Corporation
EMU	Electric Multiple Unit
FRA	Federal Railroad Administration
FRPR	Front Range Passenger Rail
FRPRD	Front Range Passenger Rail District
HNTB	HNTB Corporation
IGA	Intergovernmental Agreement
IIJA	Infrastructure Investment and Jobs Act
NAMS	Northwest Area Mobility Study
NEPA	National Environmental Policy Act
RTC	Rail Traffic Controller
RTD	Regional Transportation District (Denver)
SB	Senate Bill
SDP	Service Development Plan
UPRR	Union Pacific Railroad