

RESOLUTION NO. 2023-12
OF THE FRONT RANGE PASSENGER RAIL DISTRICT
REGARDING DISTRICT POLICY DIRECTION FOR 2024

WHEREAS, Section 32-22-101, *et. seq.*, C.R.S. (the “Act”), established the Front Range Passenger Rail District (the “District”) as a body politic and corporate and a political subdivision of the State of Colorado to research, develop, construct, operate, and maintain an interconnected north-south passenger rail system along Colorado’s Front Range (“Front Range Passenger Rail”); and

WHEREAS, pursuant to Section 32-22-105(1)(a)(I), C.R.S., the Board of Directors of the District (the “Board”) is vested with the power to adopt policy for the District; and

WHEREAS, the area that comprises the District extends from Wyoming to New Mexico and encompasses all or a portion of thirteen Colorado counties; and

WHEREAS, the Act contemplates the Board will refer ballot issues seeking voter approval for the district to levy taxes or issue bonds in order to support the development of Front Range Passenger Rail; and

WHEREAS, the Colorado Department of Transportation (“CDOT”), in cooperation with the District, is currently undertaking a Federal service development planning effort pursuant to Federal Railroad Administration (“FRA”) guidelines that contemplates the initial development of Front Range Passenger Rail between Pueblo and Fort Collins; and

WHEREAS, the Board has determined that it is in the best interests of the District and its residents to undertake a further service development planning effort pursuant to FRA guidelines to prepare for implementing passenger rail service between Pueblo and Trinidad (the “Southern Extension”), and to ensure such efforts are underway prior to referring any ballot issue to the registered electors of the District; and

WHEREAS, pursuant to Section 32-22-109(1), C.R.S., before submitting a question to establish any District tax to the registered electors, the District is required to publish a proposed service development plan, an operating plan, and a detailed financing plan (together, the “Ballot Measure Plans”), and to adopt a resolution certifying that the District has made every reasonable effort to secure federal funding to support the development, financing, construction, operation, or maintenance of the passenger rail system; and

WHEREAS, the District anticipates being selected into the FRA’s Corridor Identification and Development Program (“CIDP”) as early as November 2023 and desires to be prepared for such eventuality, which will mean formal FRA recognition of Front Range Passenger Rail and further eligibility for federal funding in support of its development; and

WHEREAS, provided that the Ballot Measure Plans can be developed with sufficient specificity to effectively communicate the benefits of Front Range Passenger Rail to the District's registered electors, it may be advantageous to refer a ballot issue seeking voter approval for the district to levy taxes or issue bonds in order to support the development of Front Range Passenger Rail at the November 2024 statewide general election; and

WHEREAS, pursuant to Section 32-22-105(2)(d), C.R.S. the Board is empowered to make and pass resolutions necessary for the government and management of the affairs of the District and the execution of the District's powers and duties; and

WHEREAS, this resolution does not identify or determine any specific Front Range Passenger Rail station locations; the placement of station locations will be identified by the District Board before referral to the ballot.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD, AS FOLLOWS:

The District's General Manager shall:

1. In continued partnership with CDOT, seek to solicit funding and technical support for the preparation of a District-led service development plan for the Southern Extension of passenger rail service from Pueblo to Trinidad.
2. Negotiate an intergovernmental agreement (the "IGA") with CDOT regarding the implementation of Front Range Passenger Rail. Such IGA shall improve and solidify cooperation between the District and ensure the District's meaningful participation in the ongoing development of Front Range Passenger Rail in 2024.
3. Seek to identify additional grant funding opportunities and/or other projects that advance the development of Front Range Passenger Rail and that could, subject to any required environmental reviews, be undertaken prior to approval of a ballot issue by the District's electors.
4. Work collaboratively to advance development of the Ballot Measure Plans, in parallel with the ongoing federally required service development planning process, in early 2024, in order to fulfill the District's statutory obligations and to provide sufficient detail to the District's residents to effectively communicate the benefits of Front Range Passenger Rail in advance of the November 2024 General Election.
5. Prepare the form and substance of a ballot issue that would fund all or a portion of the Front Range Passenger Rail system, consistent with the Ballot Issue Plans developed with CDOT, for the Board's consideration for referral to the District's registered electors at the November 2024 General Election.

6. Develop and propose a General Manager's Work Plan, with measurable objectives to support the policy direction of the Board outlined in this Resolution, which shall focus primarily on: the advancement of funding and financing strategies for Front Range Passenger Rail, including, but not limited, development of the Ballot Measure Plans; initial steps toward design of the proposed system; furthering interagency cooperation between CDOT and the District regarding rail project development; soliciting input and feedback from the public regarding the project and possible ballot measure; and, educating the public about FRPR in sufficient detail to support passage of a successful ballot measure in 2024. The General Manager's Work Plan shall be presented to the Board for its review no later than January 31, 2024.

APPROVED this 27th day of October 2023.

James M. Souby

Chair

ATTEST:

Julie Mullica

Julie Mullica (Nov 14, 2023 13:02 MST)

Secretary