

**Regional Transportation District**

1600 Blake Street  
Denver, CO 80202-1399  
303/299-2303

**Board of Directors**

Chair – Lee Kemp, District I  
First Vice Chair – Christopher Martinez, District B  
Second Vice Chair – Noel Busck, District K  
Secretary – Kent Bagley, District H  
Treasurer – John Tayer, District O

Barbara Brohl, Director, District D	Bill James, District A
Juanita Chacon, District C	William “Bill” McMullen, District E
Bill Christopher, District J	Jack O’Boyle, District G
Matt Cohen, District M	Wally Pulliam, District L
Bruce Daly, District N	Tom Tobiassen, District F

**BOARD OF DIRECTORS MEETING  
Tuesday, February 16, 2010 at 5:30 PM**

**I. CALL TO ORDER**

**II. ROLL CALL-DETERMINATION OF QUORUM**

**III. RETIREE AWARDS**

Anthony R. Abeyta, Special Service Events Coordinator - 39 Years of Service

The following communication assistance is available for public meetings:

- Language Interpreters
- Sign-language Interpreters
- Assisted listening devices

Please notify RTD of the communication assistance you require at least 48 hours in advance of a RTD meeting you wish to attend by calling 303.299.2307

**THE CHAIR REQUESTS THAT ALL PAGERS AND CELL PHONES BE SILENCED DURING THE BOARD OF DIRECTORS MEETING FOR THE REGIONAL TRANSPORTATION DISTRICT.**

**IV. PUBLIC PARTICIPATION**

**V. COMMITTEE REPORTS-(See Minutes)**

Planning & Development Committee - Chaired by Director Christopher  
Legislative Committee – Chaired by Director Daly  
FasTracks Monitoring Committee – Chaired by Director O’Boyle  
DBE Committee – Chaired by Director Martinez  
Operations/Customer Services Committee – Chaired by Director Brohl  
Financial/Administration Committee – Chaired by Director Tayer  
GM Oversight and Performance Management – Chaired by Director Busck  
CDOT – Director Cohen  
E-470 – Director Busck  
ACED – Director Busck  
DRCOG – TBD  
Denver Union Station Advisory – Director James  
Northwest Parkway-Chair Kemp and Director Pulliam  
Pension Committee - Director Pulliam  
Rocky Mountain Rail Authority-Director Christopher  
Chair’s Report- Chair Lee Kemp

**VI. METRO MAYOR TASK FORCE UPDATE**

**VII. APPROVAL OF REGULAR BOARD MEETING MINUTES OF JANUARY 19, 2010**

**VIII. GENERAL MANAGER’S REPORT**

**IX. UNANIMOUS CONSENT**

**A. Approval of Proclamation for Director Chacon**

**B. Transfer of Funds for the East Metro & Boulder Boilers – TIGGER Grant**

It is recommended by the Operations/Customer Services Committee that the Board of Directors authorize the General Manager to transfer \$1,095,000 from the Transit Reserve account and \$156,000 from the Energy Conservation program, to the East Metro and Boulder Maintenance Boiler Replacement Project accounts. The Energy Conservation funds are included in the 2010 RTD budget.

**C. Proposed Eagle P3 IGA with CDOT for Coordination**

It is recommended by the FasTracks Monitoring Committee that the RTD Board of Directors authorize the General Manager to sign a proposed Intergovernmental Agreement (IGA) with the Colorado Department of Transportation (CDOT) for the Eagle P3 Project. The agreement includes specific terms defining coordination, and the rights and responsibilities of each

party.

**D. Amendment to West Corridor Intergovernmental Agreement with Jefferson County**

It is recommended by the FasTracks Monitoring Committee that the RTD Board of Directors authorize the General Manager or designee to enter into an amendment to the West Corridor Intergovernmental Agreement (IGA) between Jefferson County and the Regional Transportation District which was originally executed on March 25, 2008.

The amendment sets forth rights, duties and obligations of RTD and Jefferson County in regard to the Modified Parking structure including design, construction, maintenance, operation, parking management, funding, and shared use.

The amendment further defines and clarifies changes to the original IGA language in regard to the parking access road construction, use and maintenance, conveyance of property, local match, aesthetics at the site, temporary parking and station naming.

**E. Approval to Adopt the Southeast Corridor Extension Final Environmental Evaluation (EE) Document**

It is recommended by the FasTracks Monitoring Committee that the Board of Directors approve the adoption of the Southeast Corridor Extension Final Environmental Evaluation (EE) document.

**F. Approval to Adopt the Southwest Corridor Extension Final Environmental Evaluation (EE) Document**

It is recommended by the FasTracks Monitoring Committee that the Board of Directors approve the adoption of the Southwest Corridor Extension Final Environmental Evaluation (EE) document.

**G. Approval to Adopt the Central Corridor Extension Final Environmental Evaluation (EE) Document**

It is recommended by the FasTracks Monitoring Committee that the Board of Directors approve the adoption of the Central Corridor Extension Final Environmental Evaluation (EE) document.

**H. FasTracks Citizens Advisory Committee Appointments**

It is recommended by the Nominating Committee for the FasTracks Citizens Advisory Committee of the Regional Transportation District (RTD) that the RTD Board of Directors reappoint four members of the Committee to an additional three-year term and appoint one member to the Committee to fill a vacancy created by resignation.

## **X. RECOMMENDED ACTION**

### **I. Approval of May 2, 2010 Service Changes**

It is recommended by the Planning & Development Committee that the Board of Directors approve the May 2, 2010 Service Change package as revised and summarized on Attachment A resulting in a net annual of cost of approximately \$173,100, and, further, to authorize the General Manager to execute contract amendments as necessary for private operators whose service is impacted by these changes.

### **J. 2010 FasTracks Financial Plan Adoption**

It is recommended by the FasTracks Monitoring Committee that the RTD Board of Directors adopt a financial plan scenario for the 2010 FasTracks Annual Program Evaluation that includes the passage of a 0.4% sales and use tax increase commencing in January 2011 and successful receipt of an additional Full Funding Grant Agreement (FFGA) for the East and Gold Line Public Private Partnership Corridors (EAGLE P3 Project) in the amount of approximately \$1 billion. This plan will be referred to as the "2010 Scenario". This scenario results in the completion of the full FasTracks program by 2017, and provides the basis for RTD to proceed forward with DRCOG review of the FasTracks program and financial plan as required by Senate Bill 90-208.

Because a decision has not been made as to the timing of a potential election, it is recommended that the RTD Board of Directors also adopt a "2012 Scenario" plan. This would include adoption of a financial plan scenario for the FasTracks program that assumes the passage of 0.4% sales and use tax increase commencing in January 2013. This scenario results in the completion of the full FasTracks program by 2019, assuming current cost escalation and revenue growth forecasts.

This action does not represent a decision or commitment at this time by the Board of Directors to place a sales and use tax increase on the ballot, but it preserves the capability for the RTD Board of Directors to continue consideration of all potential scenarios for completion of the FasTracks program. Should the Board choose not to seek a tax increase in 2010, the secondary financial plan would be adopted by the RTD Board.

### **K. Approval to modify design to remove moving sidewalks (travelators) from the underground bus facility at Denver Union Station (DUS)**

It is recommended by the FasTracks Monitoring Committee that the Board of Directors authorize the General Manager or designee to approve a change order on the Denver Union Station (DUS) project to remove the travelators currently designed to be built as part of the underground bus facility. **In**

addition an analysis shall be performed of the feasibility and cost of eliminating the bus staging area in the future and using this space to expand the passenger area including installation of travelators. This analysis shall be completed no later than June 1, 2010.

**L. Approval for providing construction funding in an amount not to exceed \$9 million to the Denver Union Station Project Authority (DUSPA) for continued construction for Denver Union Station (DUS)**

It is recommended by the FasTracks Monitoring Committee that the Board of Directors authorize the General Manager to enter into an IGA with DUSPA to provide additional funding through a loan in an amount not to exceed \$9 million for construction on the DUS project. This funding will allow DUSPA to issue a full Notice to Proceed prior to financial close of the federal TIFIA and RRIF loans for the DUS project, and will be repaid by DUSPA through draws on the federal loans. This recommendation is contingent upon receipt by DUSPA of a favorable decision by the U.S. Department of Transportation (DOT) for the TIFIA and RRIF loans respectively.

It is also recommended by the FasTracks Monitoring Committee that the RTD Board of Directors authorize the General Manager to transfer \$9 million from the FasTracks Contingency Reserve to provide continued funding for the DUS construction. This action will accelerate funding programmed in the DUS Budget for 2010 to allow full construction to start and maintain the FasTracks schedule. The Contingency Reserve will be replenished from DUSPA's federal loans draw.

**M. Goldman Sachs – Payment for Additional Scope Item and Increase in Monthly Retainer**

It is recommended by the FasTracks Monitoring Committee that the Board of Directors approve payment in the amount of \$1.40 million to Goldman Sachs in consideration of work performed outside of original scope of its contract as financial advisor on the Eagle Project. These additional work scope items are further detailed in Attachment A to this report.

It is further recommended by the FasTracks Monitoring Committee that the Board of Directors approve an increase in the monthly retainer paid to Goldman Sachs from \$25,000 to \$56,500, effective as of January 2010, in consideration of the future out-of-scope work and efforts beyond those anticipated at the time of contract award.

It is further recommended by the FasTracks Monitoring Committee that the Board of Directors authorize a transfer of \$1,778,000 from the FasTracks Contingency Reserve to the FasTracks expense budget to fund payment and the increase in the monthly retainer for 2010.

**N. Proposed East Corridor IGAs with City and County of Denver and Denver International Airport for Coordination and Local Funding –**

It is recommended by the FasTracks Monitoring Committee that the RTD Board

of Directors authorize the General Manager to sign two proposed Intergovernmental Agreements (IGA) with the City and County of Denver (CCD) for the East Corridor project (a part of the Eagle P3 project). The agreements include 1) a proposed IGA with CCD regarding overall coordination with the City, and 2) a proposed IGA regarding coordination with Denver International Airport (DIA). The agreements include specific terms defining CCD's local agency contribution, coordination, and the rights and responsibilities of each party.

**O. Approval of Board Revised Bylaws**

**XI. UNFINISHED BUSINESS**

**XII. NEW BUSINESS**

**XIII. EXECUTIVE SESSION**

**1) C.R.S. 24-6-402(4)(e) Railroad Negotiations**

**XIV. ADJOURN**