Amtrak: first 40 years

Amtrak’s passenger service in Colorado and ColoRail’s priorities for 2012 including the successful renovation of Denver Union Station will be the topics of the next ColoRail General Meeting to be held in Denver, Saturday, February 25th from 9:30 a.m. until 1:00 p.m. at Denver’s Central Presbyterian Church. The church is located at 1660 Sherman Street, a block north of the capitol.

Noted Colorado film maker Rich Luckin will show Amtrak – the First Forty Years which commemorates the anniversary of the nation’s passenger rail system. Luckin will discuss the development and production of the film. It follows from his experience with well-regarded video productions such as Dome Car Magic, Packard: An American Classic, Super Chief: Speed, Style, Service, and his extensive writing on the style and lore of railroad dining car china.

Denver Union Station developer Dana Crawford will also attend the meeting to discuss current development plans. She is very interested in obtaining views on the transportation and historical elements of the station.

Also, David Krutsinger, the new rail manager in CDOT’s Transit and Rail Division, has been invited to discuss the recently completed state rail plan.

Discussion of ColoRail’s priorities round out the meeting. They include:

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Drums along the Potomac have been beating for the past year on behalf of an old idea that remains attractive to the crowd that talks small government, but lusted for big highway spending. With the release of the House draft of the tax portion of the Surface Transportation Authorization bill, their dream is now in print. Letters such as the one reproduced below or the similar one signed by ColoRail board member Helen Bushnell offer an idea of what the consequences could be. Public transit projects would be put in the same position as Amtrak, waiting months in each year to determine if funds are available, laying people off, etc.. Problems would be especially acute for Colorado small city and rural transit providers that have few other resources.

Americans traditionally expected the former private transit companies to carry a variety of social burdens, such as low fares for kids going crosstown to private schools. When the Federal government intervened with the Interstates, those companies could no longer make a profit and the social burdens were passed to public transit agencies. The draft bill leaves the burdens, but withdraws the reliable support.

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ColoRail, the Colorado Rail Passenger Association, is in correspondence and coordinates with NARP, the National Association of Railroad Passengers. Membership in both organizations is encouraged.
Nebraska rail advocate and friend of ColoRail, Roger Clark, sends us this reminder of added value services that depend on the rail network. High-end tourism of this type fits well into Denver’s LoDo, but private cars are to be excluded from the renovated Union Station.

“This Fall we will be operating a unique private railcar trip through the East from Chicago. You will travel over the scenic Cardinal route through the New River Gorge and the Shenandoah Valley to Washington DC. From there you will travel south on the Palmetto route to Savannah Georgia where you can enjoy three days exploring this charming southern city. You may want to take a day trip via Amtrak to Charleston, South Carolina. You can rent a car and head for the beaches of Hilton Head and Jekyll Island. “After Savannah you will return to Washington DC and layover one night and have the next day free until our afternoon departure on the Capitol Limited to Pittsburgh Pennsylvania. Pittsburgh has experienced a phenomenal resurgence over the past 20 years and the area surrounding it is truly amazing. You have a full free day to ride the light rail system and incline and tour the museums (including the famous Andy Warhol Museum). The second day includes a bus tour to visit two famous Frank Lloyd Wright houses Fallingwater in Bear Run and Kentuck Knob in Chalk Hill. Dinner at a famous local restaurant is included before boarding the train for a midnight departure on the Capitol Limited to Chicago.”

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Elections are to be held in the February 25th General Meeting for the ColoRail Board of Directors.

Five two-year positions are open. Incumbent members have agreed to serve another term if elected. They are: Jim Souby, Bob Brewster, Edie Bryan, Gary Carter, and Ira Schreiber. Nominations will also be accepted from the floor, with the permission of the nominee.

http://northernflyeralliance.org/
Court dismisses ColoRail lawsuit

“…The Court does not determine whether the agency arrived at the right result through its EIS process. Rather, the Court determines only whether the agency followed the right process” (Order Affirming Record of Decision, Civil Case No. 09-cv-01135-W-JM-KMT, Colorado Rail Passenger Association plaintiff v. Federal Transit Administration, page 31).

This pretty much sums up the Court’s decision. In dismissing the ColoRail law suit, the Court determined that the Federal Transit Administration (FTA) did not act in an “arbitrary and capricious” manner with its oversight of the National Environmental Policy Act (NEPA) Environmental Impact Statement (EIS) review of the Denver Union Station (DUS) project. In the absence of any more stringent legislation, this standard governs the review of federal agency action. It conveys tremendous authority and discretion to federal agencies and is the weakest review standard. Essentially, it calls for completion of a process that allows public comment without much concern for the relative merits of arguments put forward by the commenting parties. Hence the merit of ColoRail’s arguments carry little weight as long as we were given an opportunity to state them and FTA’s actions are not illegal.

The Court arrived at the following findings with respect to four specific points raised in the ColoRail law suit:

First, the Court did not find that a conflict of interest existed sufficient to set aside the FTA Record of Decision (ROD). ColoRail had noted that the contractor conducting the public review had such a conflict. This was because the contractor had substantial control over the formulation of the findings of the EIS and because of an e-mail the contractor sent to real estate development interests just before the close of the public comment period. In that e-mail, the contractor advised the recipients that it had received a “flood of negative comments” about the “build alternative” favored by developers and urged that they submit positive comments. Among several factors, the Court did not find evidence that the contractor had sent the e-mail, not what was said about the public’s opposition to the real estate developers’ “build alternative.” In the decision, the “fairness” of that action to unsolicited, public commenters included ColoRail and the implications it has on the impartiality of the contractor principally responsible for writing the EIS is not a legal issue.

Second, the court did not find sufficient “connectivity” to set aside the ROD. ColoRail argued that the favoring of private development in the “build alternative” resulted in greater expense to environmental and social benefits because of the location of transportation facilities, for example moving light rail away from the other rail lines to free up space for commercial buildings. We were also concerned about the limitations on any future rail and bus capacity including a through track and expansion of the underground bus box in the “build alternative”. In a peculiar twist, the Court turned ColoRail’s argument about private development at the DUS site on its ear. Our view is that extensive private development will occur under any transportation scenario and therefore it need not trump intermodal functionality and its social and environmental benefits. Therefore, we argued for the benefits of integrated transportation facilities. The Court decision agrees that major growth will occur under any scenario but that it is not connected with the other planning issues and that therefore our arguments are wrong. The Court considered the ColoRail and FTA arguments only in light of whether or not development will be spurred and not its impacts on transportation functionality and the resulting environmental and social impacts. Once again, process trumps merit.

Furthermore, the Court found that the FTA complied with the requirements of NEPA which involve consideration of the cumulative effects “reasonably foreseeable” from actions resulting from the ROD. Because FTA considered possible expansion it met the legal test even though it didn’t provide for it in the final EIS and ROD. This consideration boiled down to the fact that no future expansion is currently planned and funded. So we are left with little if any possibility for a through track, a bus box below the water table with 22 slots surrounded by concrete, and a light rail facility relocated away from the rail head. This is done to facilitate three office buildings that could have been built anyway but in a way that doesn’t impede the best, most environmentally and socially sensitive transportation facilities. One thing is clear: once the bus box is buried and private development occurs, FTA is correct, none of this expansion will be “reasonably foreseeable.” Once again, merit and reality fall to process.

Third, the Court found that it was within FTA’s authority and discretion to limit the final analysis of alternatives to the three that were considered. This action by FTA omitted the
so flaws remain for public to find

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alternative with the best transportation functionality, hence least environmental and social impacts. This pro real estate decision by FTA was within their authority under a process related legal framework, so be it.

Fourth and finally, the Court also found that ColoRail did not have or establish its “standing” to challenge the historic preservation issues surrounding the EIS and DUS development.

It is important to note that the Court was clear that its role is only to determine if FTA executed its responsibility sufficiently enough to meet the process requirements. Hence, it appears FTA needed to make sure enough questions were asked, not weigh the quality of the answers. This is not uncommon from other community experience with FTA and the NEPA review process. Furthermore, since FTA had eliminated consideration of more transportation friendly alternatives, none of these ideas and supporting evidence was on the table. Essentially, ColoRail would have had to re-engineer and produce for the Court years of public process to reintroduce the plan favored by Denver, the Regional Transportation District, the Denver Regional Council of Governments and the Colorado Department of Transportation in the Master Plan of 2003. We did not have the resources to do this.

In the end, the alternative selected for DUS came down to the political muscle of the current real estate development community versus that of the advocates for future public transportation options. NEPA lawsuits generally delay and sometimes improve federal decisions but they rarely cause major changes to them unless there is a ground swell of public complaint causing the agency to reconsider. We won’t see that until well in the future when the DUS limitations become clear but this decision is long forgotten.

Around, not through, Denver Union Station

After the Colorado Rockies hosted the Milwaukee Brewers in an interleague game, a group of the “suds” fans stood in forlorn puzzlement at the former entrance to the Denver Union Station tunnel that should have led them directly to the train home. It was closed.

As a variety of construction projects transform the Central Platte Valley, detours are constantly changing. As of this writing, work continues on the subaqueous bus concourse and travelers are being routed off of Wewatta Street onto the new segment of Chestnut Place.

Good news is that a convenience store has opened in the commercial desert -- off of West 29th Avenue, just east of 20th Street & Chestnut Place. Hardy Amtrak customers can reach it during longer layovers when trains are early, or if they are very late.

Travelers should also note that new RTD schedules went into effect on January 22nd for several routes serving the area.
ColoRail’s President Jim Souby has been listening to comments from communities around the state and has prepared these ideas for discussion.

**ADDITIONAL THOUGHTS ON THE STATE RAIL PLAN as of JANUARY 17, 2012**

1. **Support the good** items in the draft state rail plan, and commend them for making this plan for the future that would guide both passenger and freight rail service in the state.

2. This plan is **not just a state plan**, but Colorado planning for regional and national rail transportation that is safe, efficient, user-friendly and convenient.

3. **Keep railroad rights of way** for future uses, even if there are not viable present uses.

4. Continue to emphasize and **carry out connectivity plans and links** for various modes in the state. This would include connections from RTD’s FAS-TRACKS to the rest of the state transportation infrastructure, DUS connections and rail transit and intercity bus linkages at Amtrak stops throughout the state.

5. Have an intermodal connection or station designated in **every one of Colorado’s towns and cities**. This could include pedestrian paths, bicycle facilities, trains, local busses, intercity buses, snowmobiles or other modes. Create a statewide online transit, Intercity bus and passenger rail information website that helps passengers plan travel throughout Colorado and into neighboring states.

6. Include major transportation planning of all modes in the Governor’s TBD process looking toward future opportunities in the state. This should include energy efficiency and green projects, too. **Any new funding mechanism should provide a minimum of 10% for trains and transit.**

7. A financing package for state wide transportation should be developed that includes train and transit services. The passenger rail commuter service envisioned for the I-25 North corridor linking with Fas-Tracks should be expedited and become the model service for the state on its major corridors.

8. Future passenger train plans should **include the big X** in the middle of Colorado so that passengers would have increased destination opportunities by transferring between the Southwest Chief and the California Zephyr. This also creates service along the Front Range, south of Denver.

9. Colorado has many possibilities for using trains and transportation to increase tourist attractions via Amtrak, private rail car charters and tourist lines in the state. There are **many potential markets such as tours for foreign visitors that would create jobs in local communities.** CDOT should be coordinating such projects with Economic Development and local communities.

10. **Colorado should take the lead** in coordinating trains and bus transportation with all of the adjoining states. There are opportunities there that would benefit each other.

11. **Problems of indemnification and liability coverage** need to be addressed and resolved so that projects can move forward. This might need federal or state legislation or other actions.

12. Colorado should look at the possibility of having "Colorado" passenger rail cars on both of its Amtrak trains. **Additional sleeper cars would create new opportunities for tourists and Colorado residents.** This is a relatively low cost maneuver. This will lead to additional national and international tourists.

13. Ask the governor to **proclaim "Colorado Train Day"** in conjunction with the national event the first Saturday in May, which will be May 5, 2012. Arrange local proclamations and even some type of special celebration at each train station in the state with music or speeches, etc. This should include Denver Union Station. This will help to educate Coloradans about the growing advantages of passenger rail and transit services.

Comments on the Colorado State Rail Plan are due shortly - on February 10, 2012. Individuals, as well as groups, may comment.

Trains + Tourism = Benefits

One of the unexpected side effects of the endless series of cutbacks in Amtrak and Via Rail Canada service is that the rail travel experience becomes more and more valuable. More predictable is the fact that the politically driven cutbacks saved nothing, so more cutbacks are proposed. Go now or never?

The benefits accrue to both the tourist and the tourism industry. Recently your editor had the opportunity to visit Glenwood Springs. ColoRail member Jan Girardot steered us to the Hotel Denver, across the street from the Amtrak station. It was the perfect destination for a California Zephyr trip, with the desk clerk pleased that the train was on time; she checks each day.

The Zephyrs handled a noticeable number of off-season, midweek tourists on this February’s journey. Glenwood Springs and Fraser-Winter Park are set up to take advantage of this. Pick up a “Short Stay Get-a-Way” folder from Amtrak for inspiration. Then think of all the Colorado and New Mexico stations that should be offering something similar. ColoRail members are working to tap those benefits for South-eastern Colorado points.

Watch out! Grandma’s making a snowball! - Fraser station - November 2011.
Extensive repair needs on line

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stop in Las Vegas while they were at the depot, on time and with additional equipment for CalTrain and Amtrak California in tow.

The portion of the current route between Newton, Kansas, Southeastern Colorado and northern New Mexico requires extensive repair and maintenance to support Amtrak’s desired 79 mile per hour train speeds. BNSF, the host railroad, has little traffic over most of the line except for the La Junta to Las Animas segment. Furthermore, the current maintenance agreement between BNSF and Amtrak expires in 2015.

The State of New Mexico is also attempting to cancel its purchase part of the line from Lamy, New Mexico to the Colorado border in a deal it reached with the BNSF under a prior state administration. These threats combine to create a high cost scenario for continuation of the train. BSNF estimates it will require a capital expenditure of $94.4 million to repair the line, and maintenance expenditures of $11.6 million per year to maintain the line for passenger operations. It is unlikely Amtrak can find these additional resources without help from Congress.

The train provides the only travel alternative to cars for much of the region. Colorado communities also see the train as a key part of their future tourism success for the historic region. Plans include European and Asian marketing, where the history of the U.S. Southwest is ripe and Colorado’s tourist rail lines are likely to be a major draw.

La Junta Mayor Don Rizzuto and City Manager Rick Klein chair the coalition steering committee. Garden City Mayor John Doll and City Manager Matt Allen represent Kansas on the committee while Colfax County Commissioner Bill Sauble and County Manager Don Day represent New Mexico.

The Southwest Chief Coalition was formed November 10, 2011, in La Junta, Colorado. Representatives from Kansas, Colorado and New Mexico cities and counties participated in the meeting. They agreed that a coalition of communities along the line would be the most effective way to protect the train and its historic route.

Safely through the storm at Garden City, Kansas.