

**Draft Report Agency Coordination Team
Yellowstone Business Partnership
Transportation Co-operative Feasibility
November 23, 2009**

Introduction

The purpose of the Agency Coordination Team is as follows:

This team will identify and help resolve the legal, financial and institutional concerns associated with having a public-private transportation system operate across multiple jurisdictions. Each entity will evaluate their own prospects for co-operative membership and public transportation benefit that may accrue to their respective constituencies.

Participation

The team is comprised of representatives from local, county, state, and federal government entities, economic development and a private foundation.

Team Member	Representing
Caniglia, James	City of Laurel
Elsaesser, Matt	City of Helena
Fletcher, Phillip	Park County, MT
Jacobs, David	Montana Department of Transportation
Kelly, Virginia	Greater Yellowstone Coordinating Committee
Klessens, James	Forward Cody
Kyrias, Randy	Idaho Transportation Department
Moore, Lou	Montana Department of Environmental Quality
Osgood, Jeff	Yellowstone Business Partnership
Parrie, Traute	Custer National Forest
Reinhart, Dale	Yellowstone National Park
Rinaldi, Kathy	Teton County, ID.
Rossetti, Taylor	Wyoming Department of Transportation
Siegel, Arne	West Yellowstone Foundation
Thompson, John	Bureau of Land Management
Barb Beck	Beck Consulting, Team Facilitator

Issues

Five members of the team plus a technical expert and YBP staff convened at the kick-off meeting in West Yellowstone on July 9, 2009. The group in West Yellowstone was heavily oriented to Montana and identified the need for state DOT representation and involvement by a variety of interests in Idaho and Wyoming. This group developed a list of 29 possible issues related to government coordination and the transportation co-operative.

The list of 29 potential issues was screened by YBP staff. Issues more appropriately assigned to another team, issues that the technical staff could handle, issues that YBP was taking the lead on, issues which had already been answered, or issues not deemed relevant or timely to the feasibility study were culled from the original list. Eleven issues remained for work by the team. The team met by conference call on August 7, September 11, and October 2. During the October 2 call, three new issues were identified by YBP staff for the team's consideration. Assignments were made and following the calls, information was submitted to the facilitator addressing several of the highest priority issues related to permitting and fees for the National Park Service.

Table One displays the issues that the team is working on as needed. Table Two displays the issues that the team is tracking in case additional work is necessary. Table Three contains issues that have been resolved.

Table One: Agency Coordination Team Active Issues

Issue #	Issue	Discussion	Assignments	Status
1	Doing business in Yellowstone requires a permit or contract. This would include transportation services.	Yellowstone is developing a plan for Commercial Use Authorizations. This will answer many of the questions about who needs to apply and how.	Reinhart, Kelly will share information as available by providing to the facilitator.	Active
9	How would National Park entrance fees be collected?	Several possibilities: Commercial Use Authorization (CUA), Concessions' contracts, or modification of snow coach voucher system	Reinhart provided info. See fees, permits section of Yellowstone NP's website.	Active
YBP4	Would states/govt entities want to be co-op members, have a vote?	Need better understanding of how membership will work.	Team members researching	Active

Table Two: Agency Coordination Team Issues Being Tracked

Issue #	Issue	Discussion	Assignments	Status
11	How much flexibility is there in long-term concessions' contracts to make adjustments to services and rates?	Dale reported that if the type of service is included in the contract then adjustments can be made through the operating plans. If the type of service is not included in the contract an amendment would be needed if the NPS approved of adding the type of service.	Reinhart, respond to specific questions as they arise.	Tracking
12	When there are ground-disturbing activities and federal funds are involved, NEPA and other federal statutes may have requirements.	Team members believe that the pilot will not trigger NEPA, but want to ensure this is not the case as more specific proposals come forward.	Team to monitor over life of project.	Tracking
16	What is the regulatory situation on each of the Indian reservations?	Jeff reported that YBP had met with Ft. Hall and Wind River representatives. The tribes are interested.	No action needed by the team at this point.	Tracking
17	What policy barriers are there to contend with?	Taylor and Jeff reported that the insurance issue related to interstate travel primarily involves Wyoming and the lack of reciprocity. A bill to address this in 2009 failed and will be re-introduced in 2011 when it has a good chance to pass.	Team will address other policy barriers as they arise.	Tracking
27	How will the system ensure that specific locations or attractions are not over-used of that the quality of the experience is not reduced by transportation changes?	CUA application process would consider this for National Park areas.	Team will monitor as specific routes and locations are identified.	Tracking
YBP2	Would it be possible for various govt agencies to fast-track members of the co-op if it was demonstrated that membership equaled excellence and your agency knew that the co-op was self-auditing/self-policing member?	If NEPA/MEPA is required, agencies could cooperate and increase efficiency. The YNP CUA policy has been revised and is in draft form. The draft provides for certain application periods during the year. Applications submitted outside of this period would be exceptions. Fast-tracking could not be assumed.	Team to address as needed for specific instances.	Tracking

Table Three: Issues That Have Been Resolved

Issue #	Issue	Discussion	Status
2	A special use permit would be required if NF roads are part of the system.	Difficult to envision this would be needed. But need to monitor to ensure that remains the case.	Resolved
3	Would an umbrella permit issued to the co-op allow providers to operate under it as opposed to permitting each provider?	Jeff reported that it looks like this will not be an issue. Umbrella permit won't be needed.	Resolved
4	Municipalities may require business licensing.	Jeff reported that this has been researched. No further action needed by the agency coordination team at this time.	Resolved
10	Would pass-through riders be treated any differently than park destination visitors?	Need to assume that pass-through visitors would be treated the same. They would need to pay an entrance fee.	Resolved
YBP1	What kinds of standards would you expect out of a world-class transportation organization?	Team members discussed that accountability and performance are likely to be important factors in future funding decisions.	To be addressed during pilot
YBP3	Would this team like to give input on the board/governing structure?	Yes, team members will do so individually after getting the link from Jeff.	Resolved

The team anticipates that if the project moves to the pilot phase, more agency coordination issues may arise that the team could assist YBP staff in researching and resolving.

Draft Conclusions and Recommendations

- 1) National Park entrance fees can be collected through modification of the voucher system now in use for snow coaches. The driver simply fills in the one-page form with rider numbers and turns it in at the entrance gate. The Park Services bills the operator. The operator collects from the riders.
- 2) National Park Commercial Use Authorizations are the appropriate method for permitting transit providers through the park. The CUA policy is being updated by Yellowstone Park. Grand Teton has the same law, but not necessarily the same policies related to CUAs. If/when the project moves to pilot implementation, the co-op service providers will need to submit their applications for a National Park Service Commercial Use Authorization (CUA) and pay the flat fee of \$250. Because the new policy has not yet been implemented, there is no specified period during which applications must be submitted and the application period is open all the time. Once the policy is implemented applications will have to be

- submitted during the specified open periods. Coordination between Yellowstone and Grand Teton regarding CUAs still needs to occur.
- 3) The existing National Park concessioners' contracts for Yellowstone or Grand Teton can accommodate the provision of new transportation services either through the Operating Plan, a contract amendment—depending on whether the type of service to be offered is listed in the existing contract, or a new contract. Amendments are more costly and take longer than addressing changes through Operations Plans. Under concessions' contracts the government is paid a percentage of gross annual receipts for business done in the park. Each contract is unique.
 - 4) NPS wants to encourage private participation in providing transit that can benefit employees and visitors.
 - 5) Currently, there is not reciprocity between the three states with respect to transportation services liability. A bill introduced in 2009 in the Wyoming legislature to establish this reciprocity failed by a small margin. It is anticipated that the bill will be reintroduced during the 2011 legislature. Passage of this bill will remove barriers for the transportation co-operative, but proceeding with the present situation is still possible as long as insurance requirements of each state are met.
 - 6) In order to build support among potential transit funders, the project should attract new monies to the region, rather than require reprogramming of lean transit budgets.
 - 7) State and federal environmental laws may come into play at some point. The team members will continue to monitor co-op progress to ensure that if the National Environmental Protection Act, Endangered Species Act, National Historic Preservation Act, or other state or federal statutes are triggered, the co-op is made aware of this situation. In the interests of time, it would be preferable to avoid actions that would trigger these statutes for the pilot program if the project proceeds.
 - 8) The feasibility study and any subsequent phases of the project should be as transparent as possible with continued opportunity for public education and communication.
 - 9) Government employees together with employees of government permittees--concessioners, mines, and ski areas--constitute major employers in the region. Government and permittees' employees are potential riders.
 - 10) Government agencies have varying policies and mandates to reduce energy usage and the ability to provide incentives so that employees participate in transit. These could be explored at some future point as a means for synching co-op services with agency goals.