

**REPORT TO THE TRANSPORTATION LEGISLATION REVIEW
COMMITTEE ON RAIL ABANDONMENTS
AND THE POTENTIAL FOR RAIL LINE ACQUISITIONS**

**PREPARED BY
THE COLORADO DEPARTMENT OF TRANSPORTATION**



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Introduction

The purpose of this report is to provide the Transportation Legislation Review Committee (TLRC) with the Colorado Department of Transportation's (CDOT) report on rail abandonments and recommendations relative to possible rail line acquisitions. This is the 19th report submitted by the Executive Director of the Department to the TLRC on rail abandonment pursuant to 43-1-1303 (3) C.R.S.

During the course of the past year, there has been little to no new action and/or developments pertaining to rail abandonments or rail line acquisitions within Colorado. The only action taken by CDOT was to provide a letter of support to the Surface Transportation Board (STB) for KVCN's proposed acquisition of the Towner Line, based upon its perceived value to farmers, ranchers, and businesses in southeastern Colorado. At present, Victoria & Southern Railway and KVCN are in arbitration over the sale of the line.

There have been a few other significant rail-related activities/accomplishments over the past year. The Regional Transportation District (RTD) has opened new passenger rail lines and introduced commuter rail service. Another highlight of the year's activities is the return of train service between Denver's Union Station and Winter Park Resort. This service, known as the Winter Park Express, will transport skiers during the peak winter months beginning in January 2017. Another achievement is the continued work of the Southwest Chief Commission (SWCC). The SWCC was awarded a TIGER VII grant, to continue the replacement of bolted rail with continuous welded rail, resulting in improved safety and on-time performance, as well as providing a "smoother" ride.

Part I provides **Background Information** on past and ongoing activities.

Part II describes **New Initiatives and Activities** which have been undertaken over the past year.

Part III lists the **Recommendations** of the Department.

Part I: Background

(A) Rail System in Colorado

The Colorado rail system currently includes both a freight rail network and a limited passenger rail network. The role of the railroads and rail transportation in the state is to provide efficient transportation choices for the movement of goods and people while connecting effectively to the other transportation modes. The rail system in the state is an interconnected component of much larger regional, national and global multimodal transportation systems and economies.

Currently 14 privately owned freight railroads operate in Colorado. These railroads own more than 2,800 miles of track in the state and currently operate on 2,684 miles of those tracks. This

represents about 1.9 percent of the nation's 140,000 miles of network track. The extent of this network is also reflected in the fact that 48 of Colorado's 64 counties are directly served by the freight rail network. There are two Class I railroads in Colorado, BNSF Railway and Union Pacific (UP). Combined they operate over 80 percent of the freight track miles and carry the majority of rail freight in the state. The freight rail network in the Front Range is currently near capacity and is forecast to be over capacity by 2035.

In addition, there are 12 short line railroads in Colorado comprising 20 percent of freight track miles in the state. They primarily provide localized service with connections to the Class I railroads. They principally serve the agricultural industry as well as the oil & gas industry and are very valuable assets to both local and statewide economies.

Colorado has eight tourist railroad lines which showcase Colorado's history and offer trips through Colorado's scenic outdoors. These scenic & tourist lines are located in Cripple Creek/Victor, Durango/Silverton, Georgetown, Leadville, Manitou Springs/Colorado Springs, Cañon City, and two near Alamosa.

The passenger rail system in Colorado is presently very limited. Outside of the Regional Transportation District's (RTD) light rail and commuter rail lines in the Denver metro area, passenger rail service is provided by Amtrak with two routes that pass through the state. The Amtrak routes use existing freight tracks and rely on freight railroad infrastructure to be maintained and/or upgraded for efficient service. These two routes are:

- The California Zephyr which runs daily between Chicago and San Francisco. Colorado stops include: Fort Morgan, Denver, Fraser/Winter Park, Granby, Glenwood Springs and Grand Junction. Much of this service operates over Union Pacific track.
- The Southwest Chief runs daily between Chicago and Los Angeles. Colorado stops include: Lamar, La Junta and Trinidad. Much of this service operates over BNSF Railway track.

Colorado previously had two additional Amtrak routes that were discontinued in 1997 due to reductions in federal funds. These two trains were the Pioneer, operating between Denver and Seattle and the Desert Wind, operating between Denver and Los Angeles by way of Salt Lake City and Las Vegas.

(B) Colorado Legislative Actions

1997 SB 37 / CRS 43-1-13-3 CDOT Report to Legislature

In 1997, the General Assembly enacted Senate Bill (SB) 37, concerning the disposition of abandoned freight and passenger railroad rights-of-way in Colorado. According to this legislation and resulting state statute (CRS Title 43, Part 13 – Acquisition of Abandoned Railroad Rights-of-Way, 43-1-1303 rev. 2013), an existing rail line, railroad right-of-way or an abandoned railroad right-of-way is eligible for acquisition by the Department, if the Executive Director determines it serves one or more of the following purposes:

- (1) Preservation of the rail line for freight or passenger service;
- (2) Maintenance of a rail corridor for future transportation purposes or interim recreational purposes;
- (3) Access to surrounding state manufacturing facilities, agricultural areas or other locales that may be adversely affected by the loss of rail service or loss of railroad corridor; or
- (4) Any public use of the rail line or railroad right-of-way that is compatible with the future use as a railroad or other transportation system.

The legislation also requires the Colorado Transportation Commission to review any property determined to be eligible for acquisition and approve the acquisition before the Executive Director submits the prioritized list of rail lines or rights-of-way to be acquired to the Transportation Legislation Review Committee (TLRC) (43-1-1303)(2)). Policy Directive 1607, and the State Freight & Passenger Rail Plan, both described further below, are CDOT Commission and staff-level implementation of the SB 37 legislation.

43-1-1308 C.R.S., states that “the members of the TLRC shall make a written report setting forth its recommendations, findings, and comments as to each recommendation for the acquisition of railroad rights-of-way and their uses and submit the report to the General Assembly.”

43-1-1301(3) C.R.S., stipulates that the “Executive Director shall submit a prioritized list with recommendations to the TLRC concerning the railroad rights-of-way or rail lines to be acquired by the state and their proposed use.”

1998 HB-93-1395 State of Colorado Towner Line Purchase

During the 1998 Legislative Session, HB-98-1395 was passed by the Legislature and signed by the Governor. That bill allocated \$10.4 million to the State Rail Bank Fund to purchase the NA Towner rail line from Union Pacific (UP) Railroad to subsequently lease or sell the line to a short line operator. The line was purchased from the UP in July 1998 and subsequently advertised for sale. Since that time the State has leased the line to short line operators. In October of 2011 the lease/purchase agreement with Victoria & Southern (V&S) was finalized, and ownership was transferred to V&S (See item G below.)

2009 SB 09-94 / CRS 43-1-117.5 Creation of the CDOT Division of Transit and Rail

In 2009, legislation created the Division of Transit and Rail (DTR). The legislation gives DTR the responsibility for planning, development, operation, and integration of transit and rail into the statewide transportation system. In addition, the legislation requires the Division, in coordination with transit and rail providers, to plan, promote and implement investments in transit and rail services statewide. Furthermore, the Division has specific duties to promote, plan, design, build, finance, operate, maintain and contract for transit services, including, but not limited to, bus, passenger rail, and advanced guideway system services.

In addition, the legislation created a Transit and Rail Advisory Committee (TRAC) to advise the Transportation Commission and the Executive Director regarding the initial focus of the division and to recommend a long-term advisory structure, including the advisory structure's Division's purpose and role, in support of the transit and rail-related functions of the department. A permanent advisory structure has since been created. The full TRAC meets quarterly with many sub-committee meetings between them.

2009 SB 09-108 / CRS 43-4-811 FASTER & Funding for Transit & Rail

The Funding Advancement for Surface Transportation and Economic Recovery (FASTER) bill of 2009 created new vehicle registration & license revenues, allocated to three funds: FASTER Safety, FASTER Bridge Enterprise, and FASTER Transit. A total of \$15 Million in annual revenues were allocated for transit and rail purposes. The first five million dollars (\$5 M) were created by reducing the highway users tax fund (HUTF) allocations to counties and municipalities (\$2.5 M each) to provide grants to local governments for local transit projects with the limitation that no funds can be used for the *condemnation* of land for the purpose of relocating a rail corridor or rail line. The FASTER bill also altered the use of the share of HUTF allocated to the state, as described in 43-4-206, requiring \$10 Million per year of the state share to be used for transit related projects.

2014 HB 14-1161 / CRS 43-4-1001 Southwest Chief Commission

In May 2014, House Bill 1161 created The Southwest Chief Rail Line Economic Development, Rural Tourism, and Infrastructure Repair and Maintenance Commission and established it in the Colorado Department of Transportation. The commission consists of the following five voting members appointed by the governor as follows:

1. One representative of the tourist industry in Colorado;
2. One member who is a public rail transportation advocate;
3. One representative of the freight rail industry;
4. One resident of Las Animas, Otero, or Prowers County who has publicly advocated for public rail; and
5. One resident of Pueblo or Huerfano County who has publicly advocated for public rail.

In addition to the five voting members of the board, the board includes the following two appointed advisors, to attend board meetings and advise the board as non-voting members:

1. An employee of the department of transportation, appointed by the executive director of the department; and
2. An employee of Amtrak, appointed by the president of Amtrak.

The mission of the Southwest Chief Commission is to coordinate and oversee efforts by the state and local governments and cooperate with the states of Kansas and New Mexico, Amtrak, and the Burlington Northern and Santa Fe railway to ensure continuation of existing Amtrak Southwest Chief rail line service in the state, expansion of such service to include a stop in Pueblo, and exploration of the benefits of adding an additional stop in Walsenburg. The governor made the individual appointments before the September 1, 2014 deadline, and the Southwest Chief Commission began meetings in September 2014. The Commission has held ongoing, regularly-scheduled quarterly meetings since, with supplemental meetings as necessary. The Southwest Chief Commission sunsets in September 2017 unless it is extended. There are still 48 miles of track in need of replacement in order to complete the project and the members of the Commission have discussed applying for a TIGER IX grant in 2017.

(C) Past Transportation Commission Actions

The Transportation Commission believes that certain significant rail corridors represent an irreplaceable state transportation resource and that it is critical to preserve them. That is because once they are lost; the cost of recreating equivalent corridors in the future will be prohibitive.

In June 2000 the Colorado Transportation Commission first approved a **Rail Corridor Preservation Policy, also known as Policy Directive 1607**. The policy directive was updated, with approval by the CDOT Transportation Commission in August 2014. The updated policy directive states the following reasons why rail transportation is important to Colorado:

1. Preserving rail corridors for future passenger and/or freight rail use where the state can avoid the purchase of an equivalent corridor in the future.
2. Passenger and/or freight rail transportation may be needed in certain corridors to supplement the highway system and to provide adequate mobility, market access and travel capacity.
3. Passenger and/or freight rail transportation can be demonstrated to be a cost-effective and/or environmentally preferable mode of transportation of significance to communities.

4. Preserving and/or enhancing existing freight rail service to reduce the state highway maintenance costs, and to avoid the transportation of displaced rail freight which may increase deterioration of the state highway system.

The Rail Corridor Preservation Policy established the following criteria to be used to identify state significant rail corridors:

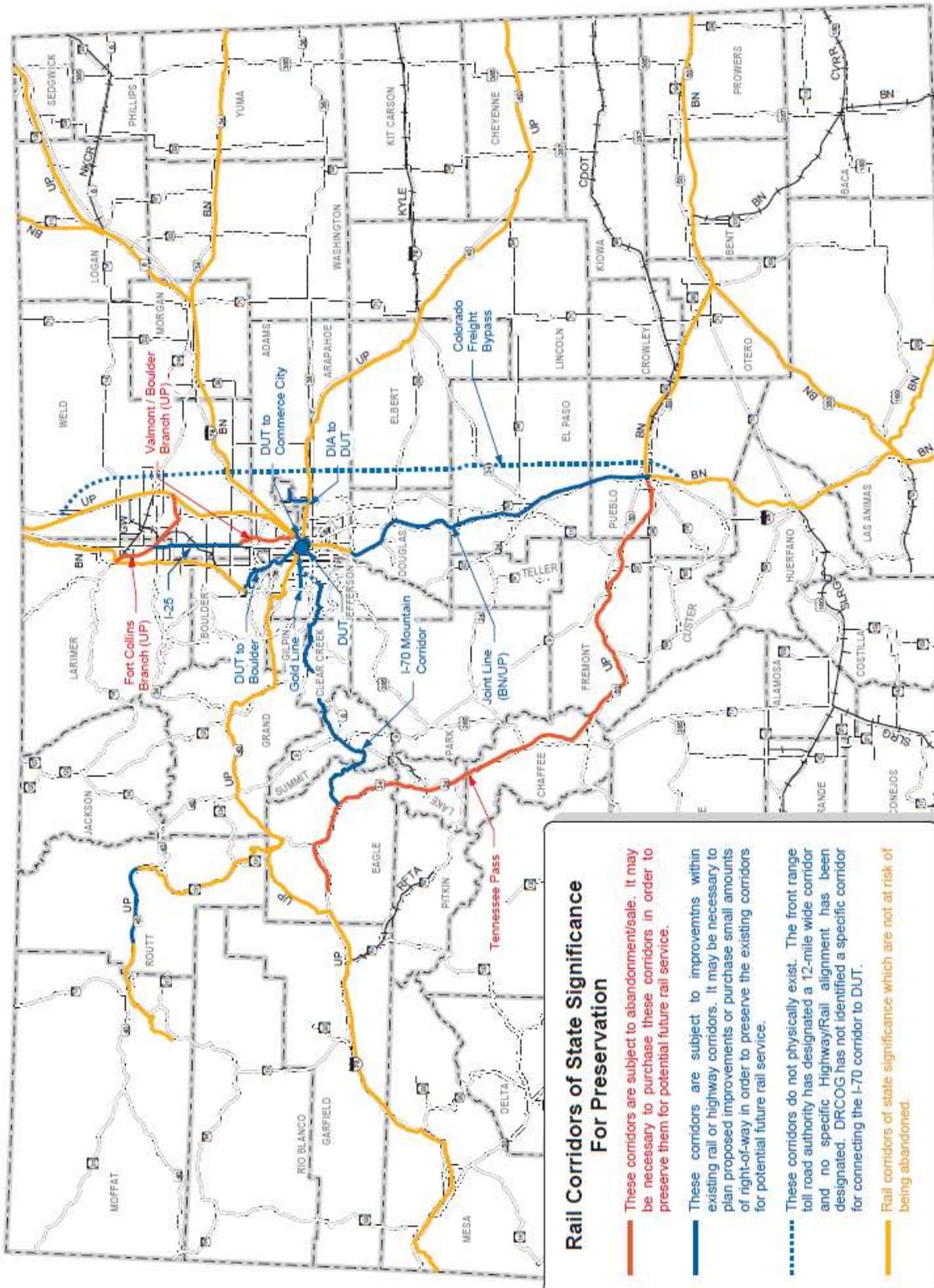
1. Existing or potential future demand for passenger/freight rail services.
 - a) Corridor significance can be presumed in the corridor if it is recommended in an adopted alternative analysis/feasibility study, planning & environmental linkage (PEL) study or similar study.
 - b) Corridor significance can be presumed if the rail corridor is within, adjacent or parallel to a transportation corridor identified in the Statewide Long Range Transportation Plan as needing significant capacity improvements.
 - c) Designation of a corridor for freight rail purposes should only be considered when freight rail is necessary for the economic health of a community, area or region. This is determined based on the following factors:
 - (1) When there are no other reasonable modes of transport that can economically serve the needs of the community; or
 - (2) When abandonment of freight service in a corridor significantly impacts a parallel state facility.
 - d) If the rail corridor has present/future use as a significant statewide or national freight corridor.
2. Local and regional support for corridor preservation.
 - a) Public support may be measured in terms of adopted land use plans supportive of rail transit or freight rail, local transportation investments and/or financial commitments.
 - b) Private support may be measured in terms of committed resources, personnel or other economic development strategies.

In order to facilitate a more comprehensive examination of which rail corridors are of interest to the State, the Transportation Commission directed CDOT staff to identify State Significant Rail Corridors. In November 2000, CDOT prepared a list of **State Significant Rail Corridors**, which were adopted by the Transportation Commission as part of the Statewide Transportation Plan. The criteria used to identify these State Significant Rail Corridors included existing and

potential future demand for passenger and freight services and local/regional support for the preservation of the corridor. The 2003 version of that map is displayed on page 9.

In March 2012, the Transportation Commission approved the Colorado State Freight and Passenger Rail Plan. The Plan serves as a framework for future freight and passenger rail planning in Colorado. In October 2012, the Federal Railroad Administration approved the plan, maintaining Colorado's eligibility for federal funding of passenger rail investments. The Plan was integrated into the Statewide Transportation Plan.

In June 2012, the Executive Director declared the Eastern Bypass "inactive." This decision was based on input from both eastern Colorado property owners worried about indefinite plans for the bypass creating a cloud over property values, and input from the freight railroads that their investment strategy had changed, favoring mobile capacity (rolling stock) to fixed capacity (rail).



Rail Corridors of State Significance For Preservation

- These corridors are subject to abandonment/sale. It may be necessary to purchase these corridors in order to preserve them for potential future rail service.
- These corridors are subject to improvements within existing rail or highway corridors. It may be necessary to plan proposed improvements or purchase small amounts of right-of-way in order to preserve the existing corridors for potential future rail service.
- ⋯ These corridors do not physically exist. The front range toll road authority has designated a 12-mile wide corridor and no specific Highway/Rail alignment has been designated. DRCOG has not identified a specific corridor for connecting the I-70 corridor to DUT.
- Rail corridors of state significance which are not at risk of being abandoned.

Published: November 2004
 Data Source: COOT, 2003
 Rail Corridors of State Significance Map.mxd

Created By: Colorado Department of Transportation
 Division of Transportation Development - GIS Section

(D) Abandonment Activity

Towner Line

On December 1, 2011, CDOT received formal notice of intent from the Victoria and Southern Railway to abandon 79.5 miles of the Towner Line, from N.A. Junction to Eads, Colorado. As required by 43-1 Part 13, CDOT notified the legislature of the availability of the line. The legislature chose not to exercise the State's right of first refusal.

On May 14, 2014 V&S filed a notice of Exemption Abandonment with the STB to abandon the remaining 39.5 miles from Eads to Towner, Colorado. The STB rejected the petition on June 17, 2014 "because this transaction requires further scrutiny," based on filings made by interested parties claiming V&S has failed to meet all required legal requirements.

See (G) Status of Towner Line below for further details.

(E) Potential Rail Lines for Acquisition

When a rail line is not economically viable to operate, the result is often either (1) the sale of the line, usually from the two Class I national railroads (UP and/or BNSF Railway (BNSF), to small, regional railroad companies; or, (2) a formal request for abandonment to the federal Surface Transportation Board (STB) by the owner of the rail line. Rather than abandon a line, a larger railroad company will usually solicit bidders for the purchase of the line by a short line operator or regional railroad in an effort to maintain rail service along the line. These smaller railroad companies usually have lower operating costs and do not need the same volume of business on the line as the larger railroads to be profitable.

The ability to respond quickly to a potential abandonment can be an important factor in ensuring corridor preservation: once a Request to Abandon has been formally filed with the STB, abandonment can take place in as little as 90 days.

The issue of rail lines being abandoned is of statewide importance due to the impact these abandonments may have on the remainder of the transportation system. As lines are lost, the freight that was being moved by rail must then be moved by truck, causing additional deterioration (i.e. pavement surface condition and/or traffic volumes) of the local roadways and/or state highways. In addition, some businesses cannot survive without access to a rail line, thereby causing these businesses to either relocate to another area in the state or to move out of state. Also, once a railroad corridor is abandoned, it is unlikely it will be returned to rail service or be available for any transportation purpose, especially if the rail tracks are salvaged and the Right-of Way (ROW) is sold or reverts to adjoining property owners.

The Department will continue to monitor short line railroads in the State to ascertain their current financial status and to examine the prospects for their continued survival because they continue to be an important part of Colorado's future.

There are two lines that continue to be considered of Statewide Significance: the Tennessee Pass Line and the Fort Collins Branch Line. A third line, the Raton Pass Line, was previously in this category, however, due to recent efforts by the Southwest Chief Commission and USDOT TIGER grants, the line is no longer considered at-risk (see pages 21-22 for details). Below are descriptions of the 2 remaining lines which CDOT will continue to monitor for the foreseeable future:

❑ **Tennessee Pass Line (UP)**

The Tennessee Pass line runs 178 miles from near Gypsum, through Eagle, Edwards, Avon, and Minturn, under Tennessee Pass (by tunnel) and along the Arkansas River via Leadville, Buena Vista, Salida, and Cañon City to Pueblo. The Tennessee Pass line has been identified as significant to CDOT because of its potential to carry both passengers and freight, and because it is the only existing trans-mountain alternative in Colorado to the Moffat Tunnel line, which often runs near capacity. The Tennessee Pass Line may be able to be used as an alternate route as trans-mountain rail demand grows due to increased development on the Western Slope or if the Moffat Tunnel were damaged or closed for any reason. Such an event would have a significant impact on Colorado, particularly on the Western Slope, since the railroads would be forced to move freight through Wyoming. The Royal Gorge Route Railroad currently offers scenic, tourist rail trips on 12 miles of the Tennessee Pass Line west of Cañon City. No freight has been shipped across the full Tennessee Pass Line since 1996, but in relatively recent (2011) conversations with the UP, there was no indication that UP would abandon this line in the near future. There have been no changes since.

❑ **Fort Collins Branch Line (UP)**

The Fort Collins Branch line is a line that runs southeast from Fort Collins to Milliken and Dent, then east to La Salle. It is identified as a Rail Corridor of State Significance since it connects Greeley and Fort Collins to the North I-25 corridor, and was identified as part of the preferred alternative in the North Front Range Transportation Alternatives Feasibility Study (NFR TAFS, March 2000). This line does not appear to be at risk of abandonment at this time. However, it should be noted this branch line was not included in the Preferred Alternative of the North I-25 Environmental Impact Statement (December 2011). The North I-25 EIS does, though, recommend a new commuter rail line connecting the commuter rail line in Longmont and the north end of the RTD FasTracks North Metro Line. The Division will continue to monitor activities on this rail line but it will not be considered a potential line for acquisition until such time as conditions may warrant.

(F) State Rail Bank Fund Activities

There were no expenditures from the State Rail Bank Fund in FY 2015-2016. If monies are not available from the Fund, CDOT has no resources readily available to preserve a Rail Corridor of State Significance if a rail company owning it chose to initiate abandonment of that line. Absent available cash in the Fund, the Department would likely be unable to request and obtain funding from the state Legislature to preserve such a corridor in a timely fashion, should abandonment occur when the Legislature is out of session. As noted earlier, abandonment can occur with as little as 90 days' notice. The current (2016) fund balance is \$0 (zero).

One concept that deserves consideration is placement by the Legislature of significant funds in the Rail Account of the State Infrastructure Bank, which the Transportation Commission could draw upon should a Rail Corridor of State Significance need to be acquired. CDOT would then pursue repayment to the Rail Account of the State Infrastructure Bank for any acquisition expense from the Legislature during the following Legislative session. This would enable the Transportation Commission to be more responsive to any abandonment that may occur.

It should also be noted that while no expenditures are proposed from the State Rail Bank Fund, CDOT's State Freight and Passenger Rail Plan (see discussion below in **II (A)**) can aid the Division of Transit and Rail (DTR) to prioritize and pursue funding in a rail projects in the future.

(G) Status of Towner Line

During the 1998 Legislative Session, HB-98-1395 was passed by the Legislature and signed by Governor Romer, allocating \$10.4 million to the State Rail Bank to purchase the Towner Rail Line, which runs from NA Junction to Towner, from the UP and to subsequently lease or sell the line to a short line operator. The line was purchased from the UP in July 1998 and subsequently advertised for sale. In March 2000, CDOT leased the Towner Line to the Colorado Kansas and Pacific Railway Company (CKP) for five years with an option to buy. CKP operated rail service on the line from April 2000 until June 2004.

In 2005 CDOT signed a lease-purchase agreement with Victoria & Southern Railway (V&S). Details of the purchase agreement specify that V&S Railway would operate the line for six years in adherence with State and Federal regulations. The lease specifies that CDOT has the first right to repurchase should V&S Railway be unwilling or unable to continue to operate the line post-purchase agreement.

In January 2006, the V&S (operating as VST) began rehabilitation and improvements of the Line which included: track repair, track replacement, repair of active crossing equipment, and returning the track to Class II operating standards (25 mph max operating speed). The first train returning the Line to moving grain was conducted in September 2006. In April 2008, the Line experienced the loss of two bridges and roadbed damage due to fires in the Ordway area. VST repaired the Line, and was able to provide full service. The two locomotives used on the line were moved to Mississippi for other V&S operations. V&S has a standing agreement with

WATCO, an independent rail operator, to transport freight along the line when required under the VST name.

V&S exercised its right to purchase the line on October 4, 2011. On this date, V&S presented CDOT with certified funds of \$9,356,000. This money was deposited into the State Rail Bank. These funds were transferred by the legislature into the general fund.

On December 1, 2011, CDOT received formal notice of intent from V&S to abandon 79.5 miles of the Towner Line, from N.A. Junction to Eads, Colorado. As required by 43-1 Part 13, CDOT notified the legislature of the availability of the line. The legislature chose not to exercise the State's right of first refusal. On June 8, 2012, V&S filed a Discontinuance of Service Exemption with the STB. The board approved the petition on June 20, 2012, with an effective date of July 28, 2012.

In December 2012, V&S notified CDOT of its intent to abandon the remaining 39.5 miles of the line from Eads, Colorado to Towner, Colorado.

On May 14, 2014 V&S filed a notice of Exemption Abandonment with STB to abandon the remaining 39.5 miles. STB rejected the petition on June 17, 2014 "because this transaction requires further scrutiny," based on filings made by interested parties claiming V&S has failed to meet all required legal requirements.

On July 28, 2014 KCVN LLC notified V&S, CDOT, and others of an offer to purchase the Towner Line from V&S for \$10.0 Million cash, and transferred \$1.0 Million in earnest money to V&S for that purpose. KCVN intended to have a third-party perform an inspection of the track and property as a condition of purchase.

In mid-August 2014, V&S began removal of track between NA Junction and Haswell. V&S asserted the 2012 discontinuance of service entitled V&S the legal right to remove track. KCVN challenged that assertion. As of the date of this report, the case between the two companies are proceeding before an Administrative Law Judge with the Surface Transportation Board. On June 2, 2016, CDOT submitted a letter of support to the Surface Transportation Board in support of KCVN's proposed acquisition of the line. CDOT's support is reflective only of the merits of maintaining the line for transportation options and not on specific issues being debated before the Surface Transportation Board.

CDOT will continue to monitor the proceedings of both portions of the line. CDOT will also continue to monitor the related roadway underpass of US 287 with the V&S rail line in the town of Eads, Colorado. This is a location where over-sized trucks cannot now travel, and must instead travel on the town's Main Street. Improvement to this underpass would allow oversize trucks to pass Eads via US 287, and reduce the need for current traffic enforcement activities.

Part II: New Initiatives and Activities

Since its creation in 2009, the Division of Transit and Rail has undertaken several initiatives. These include the State Freight and Passenger Rail Plan, the Interregional Connectivity Study, the Advanced Guideway Feasibility Study, A Framework for Transit and Rail Performance Measures, Transit Guiding Principles, and a Statewide Transit Plan.

(A) The State Freight and Passenger Rail Plan (SFPRP)

The Federal Railroad Administration (FRA) requires states to complete and submit state rail plans under the PRIIA of 2008. The SFPRP provides direction on how to integrate passenger and freight rail elements into the larger statewide multi-modal transportation framework. It also provides important guidance to the Division of Transit and Rail. The Plan enables Colorado to maintain eligibility for future rail infrastructure investment funds, as states must have a state rail plan in order to qualify for such funds.

CDOT completed its first State Freight and Passenger Rail Plan in March 2012, which was approved by the FRA in October 2012. The FRA requires that rail plans be updated every five years. CDOT initiated the update of the original report in July 2016, with the final report due to the FRA by December 2017. The Division of Transit and Rail is conducting a joint effort with the Division of Transportation Development, which is producing its first Multimodal Freight Plan. This joint process utilizes one consultant team, provides efficiencies in data collection, stakeholder engagement opportunities, schedule and costs, and results in two separate, yet related plans; the common element being freight rail.

(B) Regional Transportation District's New Passenger Rail Service

In 2016, the Regional Transportation District (RTD) will open four new passenger rail lines as part of its 2004 voter-approved FasTracks program. RTD's first commuter rail line, the University of Colorado A Line, opened in April and connects Denver Union Station (DUS) to Denver International Airport. The A Line is 23 miles long and serves seven stations in addition to DUS. Along with the new stations, 4,300 new parking spaces were constructed. The A Line is served by electric commuter rail technology/equipment and trains will operate every 15 minutes during the peak period and 30 minutes off-peak. This project was constructed as part of RTD's Eagle P3 project – a public-private partnership, which is also the mechanism utilized to construct the new G line and the first segment of the B line.

The G Line will connect Denver Union Station to Wheat Ridge, serving northwest Denver, Adams County and Arvada. This new 11.2 mile commuter rail line will serve seven new stations, with an associated 2,300 parking spaces. Trains will operate every 15 minutes in the peak period and every 30 minutes off-peak. This line is scheduled to open fall 2016.

The B line is the planned commuter rail line that, when completed, will operate over 41 miles of track between Union Station and Longmont and serve north Denver, Adams County, Westminster, Broomfield, Louisville, Boulder and Longmont. RTD launched service on the first segment of the line between DUS and Westminster (6 miles), on July 25th. This segment utilizes electric commuter rail technology and vehicles, with a service frequency of 30 minutes in the peak and 60 minutes off-peak. Parking is available for 350 cars at Westminster Station. The remaining segment to Longmont will be constructed when funding becomes available.

The new R Line, also known as the Aurora Line/I-225 Line, is a 10.5 mile extension of rail from the current Nine Mile station in Aurora north to the new A Line at Peoria station. Completion of this new segment will allow riders to travel 22 miles from the new Peoria station to Lincoln Station in Lone Tree at the south end of the line. Service is provided via light rail technology/equipment and will be accessed by eight new stations (including Peoria Station on the A Line). Five new park and rides will be constructed providing 1,800 new spaces. Trains will operate every 15 minutes in the peak period and 30 minutes off-peak. The R Line is scheduled to open in the winter of 2016.

(C) Rail Relocation / Eastern Bypass Discussions

Over a number of years, CDOT, UP, BNSF and RTD had been discussing possible rail infrastructure relocation and freight line consolidation. These exchanges focused on the development of a long-term plan to ease rail traffic congestion and improve freight and passenger mobility along the Front Range without impacting the competitive balance between the railroads or economic health of businesses within the state. This is a list of prior studies which have been summarized in previous reports to the TLRC:

- 2003 Railroad discussions, resulting in recommendation to do a study.
- 2005 Public Benefits Study concluded eastern Colorado plains facilities were of interest
- 2007 Rail Relocation for Colorado Communities (R2C2) Study advanced the development of eastern plains concepts. Those concepts met with public opposition and identified a need for more detailed evaluation of benefits and impacts of a new rail line.

In May, 2010 CDOT suspended the on-going analysis as the Department was establishing the new Division of Transit and Rail and had received a grant from the FRA to conduct a State Freight and Passenger Rail Plan (SFPRP).

In June 2012, CDOT issued a letter to note that the SFPRP gave a low-priority ranking to the development of an eastern plains freight railroad bypass by CDOT, and designated the project inactive. If a future rail relocation effort is initiated by another party, *Colorado Rail Relocation Implementation Study* findings would require re-evaluation and CDOT would work to ensure all applicable state and federal regulations are adhered to, including, but not limited to, the National Environmental Policy Act (NEPA).

(D) High Speed & Intercity & Passenger Rail/Transit Network

A number of studies have considered commuter and high speed intercity passenger rail or advanced guideway system (AGS) connections for Colorado for over 30 years, beginning with light rail studies for Denver in the early 1980's. The last 20 years have seen the evolution and fruition of many ideas. Relevant Colorado studies of the last 20 years include the following (years listed are the publication dates), listed below. These studies have variously planned to use existing freight railroad track together with creation of new/greenfield corridors to complete a statewide passenger rail network.

- 1997 Colorado Passenger Rail Study
- 1997 RTD Guide the Ride Program
- 1998 I-70 Mountain Corridor Major Investment Study (MIS)
- 2000 North Front Range Transportation Alternatives Feasibility Study (NFRTAFS)
- 2004 RTD FasTracks Program
- 2010 Rocky Mountain Rail Authority (RMRA) High Speed Rail Feasibility Study
- 2011 I-70 Mountain Corridor Programmatic EIS (PEIS) and Record of Decision (ROD)
- 2011 North I-25 Environmental Impact Statement (EIS)
- 2014 Advanced Guideway System (AGS) Feasibility Study
- 2014 Colorado Interregional Connectivity Study (ICS)
- 2014 Northwest Area Mobility Study (NAMS)
- 2015 North I-25 EIS Commuter Rail Update

Simultaneous to Colorado's consideration of statewide passenger rail networks, there have been significant national and international developments in the transit & rail industry. High speed rail systems (150+ mph) have now been operating in Japan (Shinkansen - 1964) for over 50 years, in Europe (TGV – 1981 & others) for over 30 years, and on Amtrak's Acela Express (Northeast Corridor) since 2000. High speed magnetic levitation (maglev) trains have now been operating in Shanghai China for over 10 years (opened for service in 2004).

Advanced Guideway System study and Interregional Connectivity Study

The Advanced Guideway Study (AGS) and Interregional Connectivity Study (ICS) are two studies that were conducted concurrently by CDOT, a team of outside experts, and a combination of nearly 100 local government representatives. These studies confirmed high speed transit is technically feasible in the corridors under consideration (I 25 Front Range and I 70 Mountain), but not financially feasible in either corridor at this time, without significant sources of new funding.

With existing budgets and revenue streams, CDOT and local/regional partners lack the financial capacity to build either of these projects. However, the studies show that a statewide system could provide many benefits to the businesses, individuals and tourists that depend on Colorado's interstate corridors. These studies provide a roadmap for capitalizing on future funding opportunities which arise with local, regional, state and federal financial partners. A sales tax was used as an estimation tool for a variety of possible funding sources. With as little as ¼ cent to ½ cent sales tax dedicated to rail, significant elements (50 to 100 miles) of this larger system could be funded and financed.



(E) North I-25 Commuter Rail Update

The North I-25 EIS contains a commuter rail element between Fort Collins and Longmont. CDOT undertook the Update to assess the changed conditions since 2009, and to understand the implications of an “eastern bypass” project being inactive. The Commuter Rail Update was completed in June 2015. The Update found that the implementation of commuter rail in the BNSF Railway corridor was still feasible, although more costly without an eastern bypass or similar capacity improvement in place to reduce freight train traffic in the US 287 corridor. With freight train traffic in the corridor expected to continue, costs increase to provide adequate safety separation between freight and passenger trains, and adequate capacity to assure the reliability of both services if operated simultaneously.

Inflation has caused the estimated costs to rise from \$690 M (2009\$) to \$820 M (2014\$), and the safety/capacity improvements would cause the costs to increase from \$820 M (2014\$) to \$1,200 M (or \$1.2 B in 2014\$). The capital cost estimates were based on the EIS vision for 18-hour per day service, 55 trains per day. The suggestion has been made that future efforts consider “peak only” or “starter” levels of service as an incremental approach to the ultimate vision level-of-service.

(F) Interoperability Assessment

Out of the Interregional Connectivity Study (ICS), one question arose as the recommendations were being put together. While true high-speed track is not possible through the center of the Denver metro area because of the existing land development, connection to Denver Union Station (DUS) was still seen as having a high degree of value both for connectivity and for phasing of the high-speed transit system. The Interoperability Assessment intends to work among CDOT, RTD, FRA, FTA, and adjacent stakeholders to answer the question more clearly what it would take to operate intercity trains over RTD track to Denver Union Station, and whether such an investment would provide a worthwhile phasing and connectivity opportunity as part of a high(-er) speed intercity passenger rail network. The contract for this assessment has been signed and the work will be completed during FY 2016-2017.

(G) Amtrak Examination of Service in Colorado

Amtrak is engaged in a number of activities in Colorado. The following is a summary of those activities.

Study of Denver – Seattle Pioneer Line

Congress required Amtrak to perform a feasibility study to explore restoration of the Pioneer Line from Denver to Seattle, a service that was abandoned in 1997. Amtrak submitted its study to Congress in October 2009, outlining the feasibility of restoring the Pioneer, or portions of it.

The study assessed the ridership, revenue, and mobility implications resulting from various scheduling options and the associated capital and operating requirements. The study included a projected timeline and estimated costs associated with restoring the service. Amtrak provided opportunities to the state DOTs along the route to submit comments.

The study reached no conclusions about whether the Pioneer Line should be restored. Rather, Amtrak indicated it cannot restore the Line within its current budget, leaving it to Congress to decide whether to provide funding for the Line. It is possible that states along the line would be asked to contribute to the cost of operating the service. There are no changes to these conclusions as of September 2016.

La Junta Station

CDOT awarded FASTER Transit funds to the City of La Junta to rehabilitate the existing station and expand it to be a multimodal station also serving intercity bus operators. It was later determined this could not be done within the existing structure and BNSF Railroad property. The City of La Junta chose to examine the purchase of another structure or property from the BNSF that could be used for a multimodal station. Since the purchase of property and the design of a new station would be a lengthy process, CDOT determined the project was not ready to go and withdrew the funding award. Meanwhile, Amtrak made improvements to its platform to make it ADA-compliant in 2015.

Trinidad Station

During reconstruction of the I-25 viaduct through Trinidad, the Amtrak station was demolished by CDOT. The building housing the station was owned by the BNSF Railway and leased to Amtrak. Since then, Amtrak has been operating without a station facility. Neither BNSF nor Amtrak were obligated to replace the station, but the land sale agreement between CDOT and the BNSF required CDOT to replace the Amtrak depot with a shelter structure. The City of Trinidad and the South Central Council of Governments (SCCOG), however, wanted a multimodal station that would serve Amtrak, Greyhound and other intercity bus carriers, as well as local transit service, rather than merely an Amtrak shelter. The two mutually committed to support construction of a replacement station, and CDOT held off on building a shelter.

CDOT and the Federal Transit Administration provided various State and Federal grants for construction of the multimodal station and CDOT Region 2 constructed a new park and ride lot, with bus and car parking. Amtrak constructed a new ADA-compliant platform and installed lighting in 2013.

The City and SCCOG attempted to obtain the land adjacent to the platform for the station from right-of-way owned by BNSF. The project was delayed by this attempted purchase and by other factors, during which time the cost of constructing the facility increased significantly. Late in 2015 new management of SCCOG indicated it did not believe there would be adequate revenue sources to cover what it estimated to be significant operating and maintenance costs of the

multimodal station. Based on these developments, CDOT and the local parties decided to return to building only a shelter for Amtrak. Without a multimodal purpose, the FTA funds could no longer be used for the project, so they were forfeited, leaving only State funds.

Early in 2016, the City informed CDOT that the City was considering entering into a public-private partnership with a private developer to make use of a new development site that would offer space in a former railroad depot to serve as a multimodal station. The development site is just north of the existing platform location. This proposed relocation would require changes in train movements and relocation of the existing platform. In order to be considered for usage of the existing State funds, CDOT required the developer submit a formal proposal that addressed how its project would be funded, operated and engineered to the satisfaction of all parties. That proposal will be reviewed in the fall of 2016.

Amtrak Southwest Chief

In 2013, Amtrak and the BNSF began expressing concern to the states of Kansas, New Mexico and Colorado about the future of the Amtrak Southwest Chief line, which traverses southern Colorado, including stops in Lamar, La Junta and Trinidad. BNSF freight traffic decreased significantly on portions of the line through the three states. BNSF stated at that time that there was not a business reason for the line to be maintained at a higher level than 30 mph speeds for freight traffic, and that if faster passenger service were desired (up to 79 mph) it would be the responsibility of Amtrak, state governments, or the federal government to pay for the difference in track maintenance levels. BNSF offered a re-route solution which would have removed the Southwest Chief service from Colorado if no action was taken prior to the end of 2015. Southwest Chief service would still operate through parts of Kansas and New Mexico. “Action” to keep the Southwest Chief in Colorado was, in 2013, estimated to cost \$200 Million total: \$100 Million in up-front capital across segments of track in three states (KS, CO, and NM), plus an on-going commitment of \$10 Million per year for ten years maintenance.

In 2014, led by the community of Garden City, Kansas, a coalition came together to submit an application for federal TIGER VI funding. The City of Garden City, Kansas requested \$14.96 million in TIGER funds for the Southwest Chief Route Improvement Project, and was awarded \$12.46 million. These funds were applied to the La Junta Subdivision of the Kansas Division of the BNSF Railway, restoring approximately 50 miles of the 158 miles of bolted rail sections between Hutchinson, KS and Las Animas, CO to FRA Class IV (passenger trains up to 79 mph) condition with continuous welded relay rail, new turnouts, and panelized grade crossings. This federal grant was combined with \$11.8 million of state, local, and private funds for a total 48% match. The rehabilitation effort will preserve the passenger service of Amtrak’s Southwest Chief long distance train through central Kansas and southeastern Colorado. Contracts for the work were completed in August 2015, and the project construction was completed in June 2016.

Following the success of the 2014 TIGER grant, the same communities plus additional communities in the State of New Mexico organized to apply for TIGER VII grant in 2015. In Colorado, the effort was led by the Southwest Chief Commission (see details on page 4), and by the City of La Junta, CO. The City of La Junta, Colorado requested \$15.21 million in federal funds for the Southwest Chief. The project scope included the repair of 22.5 miles of roadbed with new ties and ballast on New Mexico DOT's line in Santa Fe County and a continuation of the rehabilitation of BNSF's La Junta Subdivision, which started with the 2014 TIGER VI award. In the 2015 application, 38.7 miles of new continuous welded rail will replace existing bolted rail resulting in 51.9 miles of newly-rehabilitated Class IV track with new turnouts and panelized grade crossings. With a three-state coalition, a second TIGER grant was awarded to this corridor. The notice-to-proceed for the project was given in July 2016, to make use of the track-gang of workers and equipment already in place after TIGER VI completion. The project is expected to be completed in late October or early November 2016.



A third attempt was made with a TIGER VIII funding request. That application was submitted in spring 2016, and announcements were made in the summer 2016, though the Southwest Chief project was unsuccessful for a third sequential grant. Colorado was grateful, however, that a TIGER VIII grant was awarded for North I-25 instead. Coalition partner interests suggest that if there is a TIGER IX process, the three states will again pursue funding for the Southwest Chief.

Winter Park Express

The popular "Ski Train" transported passengers between Denver Union Station and Winter Park Ski Area from 1940 to 2009, at which time it ceased operations. Amtrak, together with partners from Winter Park, City of Denver, Denver Chamber of Commerce, Union Pacific, and Colorado Rail Passenger Association (Colorail), collaborated on an effort to restore train service to Winter Park. In March of 2015, Amtrak ran a one-weekend demonstration train which sold out within 12 hours. A second trip was added and it too sold out within hours.

In order for the service to be viable, several infrastructure improvements were necessary; a new passenger platform, siding and switches. The group developed a scope of work and estimate and submitted it to the Division of Transit and Rail for funding consideration and on April 21st, the Transportation Commission voted unanimously to approve the "Winter Park Express" project. CDOT is contributing \$1.5 million in Senate Bill 228 funds which will be matched by Winter Park Resort (managed by Intrawest Resorts) with contributions from the aforementioned partner agencies and organizations. Construction is underway and the service is expected to begin in January of 2017. The service will operate on weekends from January through March.

(H) State Safety Oversight Agency / Public Utilities Commission

In response to Congressional concern regarding the potential for accidents and incidents on rail transit systems, the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) added Section 28 to the Federal Transit Act (codified at 49 U.S.C. Section 5330). This section requires the FTA to issue a regulation creating the first state-managed oversight program for rail transit safety. Each state must designate a State Safety Oversight Agency (SSOA), and in Colorado, that authority is given to the Public Utilities Commission (PUC).

Updates to the 1991 ISTEA legislation have since been made. In 2006, the Federal Transit Administration amended 49 CFR Part 659, Rail Fixed Guideway Systems; State Safety Oversight. FTA's revised Rule was published in the Federal Register on April 29, 2005. These Implementation Guidelines for 49 CFR Part 659 have been prepared to assist states and rail transit agencies in developing compliant programs based on the revised FTA Rule.

In Colorado, the PUC has largely played a regulatory and safety role in the expansion of RTD's light rail and commuter rail system. The PUC has been the authority to review all light rail and commuter rail grade crossings, evaluating the warning and safety devices such as gates, flashers, bells, and traffic diverters in the form of curbs and medians.

Although it has been in practice for many years, the FTA made a determination that transit agencies may not, through any means including fees, contribute to the funding of the SSOA functions. The FTA wishes to remove any actual conflict or even the perception of a conflict of interest with regard to fulfillment of safety and security oversight.

Many SSOA's, including the Colorado PUC, are currently working on transition plans to replace the fee-based funding from local transit agencies, and to meet additional safety rules and requirements outlined in the new 49 CFR Part 674 rules implemented with the Moving Ahead for Progress in the 21st Century Act (MAP 21).

Under provisions of MAP 21, the Federal Transit Administration (FTA) now has expanded authority for safety oversight and a new role in SSO programs. FTA now has the authority to inspect and audit all public transportation systems; to make reports and issue directives with respect to the safety of public transportation systems; to issue subpoenas and take depositions; to require the production of documents; to prescribe recordkeeping and reporting requirements; to investigate public transportation accidents and incidents; to enter and inspect equipment, rolling stock, operations and relevant records; and to issue regulations to carry out section 5329 of MAP 21. FTA also has enforcement authority, and is permitted to issue directives, require more frequent oversight, impose more frequent reporting requirements, and require that formula grant funds be spent to correct safety deficiencies before funds are spent on other projects.

In addition, the SSO provisions of MAP 21 requires States with rail systems not regulated by FRA requirements to, at a minimum, assume responsibility for oversight of rail fixed-guideway

public transportation safety; enforce federal law for rail fixed-guideway public transportation safety; establish a State Safety Oversight agency. Additionally, SSO programs must encompass an SSO agency's capacity, organizational structure, financing, and activities and FTA must approve state SSO programs.

CDOT was considered to possibly become the SSOA and was also looked at to fill the funding gap resulting from the new legislation. However, because CDOT became a transit operator itself in 2015, it was determined that the SSOA function should remain with the PUC, and that the most likely strategy to fill the funding gap would be through the State Legislature and state budget process. The PUC was reestablished as the SSOA and the required severing of funding of the SSOA by transit agencies occurred with HB13-1103. The Department of Regulatory Agencies (DORA), which includes the PUC, gave a briefing on the funding gap topic to the Transportation Legislation Review Committee in the summer of 2015, suggesting that minor legislative adjustments might make the appropriate non-federal matching funds available. The Legislature approved an ongoing funding source for the required FTA SSOA grant match with HB16-1186.

(I) Statewide Transit Performance Measures

Under MAP-21, the U.S. DOT established performance measures requiring state DOTs to develop complementary performance targets. For transit, the focus is on the state of good repair and asset management. Transit agencies receiving federal assistance are required to develop performance targets for state of good repair. They will also be required to develop asset management plans, which include capital asset inventories, condition assessments, decision support tools, and investment prioritization. Within four years of the enactment of MAP-21 and every other year thereafter, states are required to submit reports on the progress made toward achieving performance targets.

CDOT initiated the development of transit performance measures in their document entitled *Establishing a Framework for Transit and Rail Performance Measures*, in December 2012. CDOT's Division of Transit and Rail (DTR), in conjunction with other Divisions, and through the CDOT Transportation Commission, has continued the effort through the inclusion of measures in Policy Directive 14(PD14). PD14 provides a framework for the statewide transportation planning process which will guide the development of a multimodal, Statewide Transportation Plan and distribution of resources for the Statewide Transportation Plan, the Statewide Transportation Improvement Program, and the annual budget.

Transit Vision: Colorado's public transit system will enhance mobility for residents and visitors in an effective, safe, efficient, and sustainable manner; will offer meaningful transportation choices to all segments of the state's population; and will improve access to and connectivity among transportation modes.

Goals:

- System Preservation & Expansion
- Mobility/Accessibility
- Transit System Development & Partnerships
- Environmental Stewardship
- Economic Vitality
- Safety & Security

Using this work as the basis, an initial set of performance measures was developed and reviewed with the Statewide Steering Committee (SSC) for the Statewide Transit Plan. Comments and suggestions from the SSC were then taken to the TRAC performance measure subcommittee and the TRAC statewide transit plan subcommittee for review. Through this process, the performance measures were identified that are seen as a reasonable starting point for DTR to initiate its performance based planning work. These performance measures meet the requirements of MAP-21. At the regional level, transit agencies are encouraged to review and use these categories and performance measures to identify and implement projects that help achieve the state's transit vision and meet the national goals.

(J) Transit Guiding Principles

CDOT/DTR, in partnership with the TRAC, developed guiding principles specific to the role of transit and rail in the overall statewide multimodal transportation system. These principles guide the development of the Statewide Transit Plan and are consistent with CDOT's broader operating principles and performance areas, as well as current state and federal planning regulations. They represent the transit element of the statewide transportation system and support CDOT's Vision and Mission. The Transit Guiding Principles are as follows:

- When planning and designing for future transportation improvements, CDOT will consider the role of transit in meeting the mobility needs of the multimodal transportation system.
- CDOT will facilitate increased modal options and interface to facilities for all transportation system users.
- CDOT will consider the role of transit in maintaining, maximizing and expanding system capacity and extending the useful life of existing transportation facilities, networks and right-of-way.
- CDOT will promote system connectivity and transit mobility by linking networks of local, regional and interstate transportation services.
- CDOT will work towards integrating transit to support economic growth and development, and the state's economic vitality.
- CDOT will pursue transit investments that support economic goals in an environmentally responsible manner.
- CDOT will establish collaborative partnerships with local agencies, transit providers, the private sector and other stakeholders to meet the state's transit needs through open and transparent processes.
- CDOT will advocate for state and federal support of transit in Colorado including dedicated, stable and reliable funding sources for transit. Through partnerships, CDOT will leverage the limited transit funds available and seek new dollars for transit in Colorado.

(K) Statewide Transit Plan

In December of 2014, the Transportation Commission of the Colorado Department of Transportation adopted the Statewide Transit Plan. DTR began development of this plan in April of 2013. The Plan is required by state statute and identifies local, interregional, and statewide transit and passenger rail needs and priorities. The Plan articulates a vision and related goals for transit in Colorado and provides strategic direction, policies, objectives and strategies, and implementation actions for meeting identified statewide transit needs. In addition, several performance measures were identified for each of the six transit goals. The Statewide Transit Plan integrates the local transit and coordinated human services plans for the 15 Colorado Transportation Planning Regions (TPRs), the passenger rail elements of the State Rail Plan, and results of other DTR studies, including the Advanced Guideway System Feasibility Study, the Interregional Connectivity Study and the Colorado Intercity and Regional Bus Network Plan. The Statewide Transit Plan is then integrated into the long-range Statewide Transportation Plan. Implementation of the adopted Plan is on-going.

(L) Section 130 Rail Crossing Improvement Program

Concerns about road crossings with railroad tracks have increased with growth in train movements in Colorado due to a rebounding economy and development of oil & gas resources. The Moving Ahead for Progress in the 21st Century Act (MAP-21) continued the \$220 million annual set-aside under 23 USC 130. The funds are set-aside from the Highway Safety Improvement Program (HSIP) apportionment. The program provides funds for the elimination of hazards at railway-highway crossings. The funds are apportioned to States by formula and Colorado received \$3.2 Million in rail crossing funds for Federal Fiscal Year 2016.

Eligibility¹

The Section 130 program funds are eligible for projects at all public crossings including roadways, bike trails and pedestrian paths. Fifty percent of a State's apportionment is dedicated for the installation of warning devices at crossings. The remainder of the funds apportionment can be used for any hazard elimination project, including warning devices. In accordance with 23 USC 130(i), the funds can be used as incentive payments for local agencies to close public crossings provided there are matching funds from the railroad. Also, in accordance with 23 USC 130(h), the funds can be used for local agencies to provide matching funds for State-funded projects. Typically Section 130 projects are funded at a 90% federal share, however certain projects under 23 USC 120(c)(1) allow for up to a 100% federal share. These include the closure of a grade crossing and the installation of traffic signs and signals.

¹ Source: <http://safety.fhwa.dot.gov/xings/>

Ranking, selection and Prioritization of Projects

A statewide priority list of grade crossing improvement projects is developed every year using CDOT's Hazard Index analysis. The table below presents funded Section 130 projects. The formula uses the following elements, which have been selected as having the largest impact on safety at a rail/highway crossing. The Project Development Branch evaluates each of these elements, finishing with a numerical value indicating the crossing's hazard index. Additional consideration is given to grouping locations along corridors.

- A vehicle's stopping sight distance
- The crossing's existing traffic protection devices
- Ability of the driver to see approaching train
- The highway's annual average daily traffic (AADT)
- The railroad's train volume
- The number and type of railroad tracks existing at the crossing

Current Section 130 Projects:

Project Number	Railroad	Location	USDOT Crossing Number	Project Type
21061	BNSF	Morgan County - CR 15	057241Y	Lights and Gates; Concrete Surface
21060	BNSF	Morgan County - CR W7	057551T	Lights and Gates;
21076	BNSF	Morgan County - CR 31	057569D	Lights and Gates;
21078	BNSF	Morgan County - CR 17	057243M	Lights and Gates; Concrete Surface
21080	BNSF	Weld County - CR 75	057224H	Lights and Gates;
21077	BNSF	Morgan County - CR X5/10	057554N	Lights and Gates;
21079	BNSF	Morgan County - CR 14	057240S	Lights and Gates; Concrete Surface
21075	BNSF	Morgan County - CR U	057570X	Lights and Gates;
21069	UPRR	Weld County - CR 18	804377Y	Lights and Gates;
21067	UPRR	Weld County - CR 72	804852B	Lights and Gates;
21066	UPRR	Weld County - CR 84	804878D	Lights and Gates;
20156	UPRR	Weld County - CR 86	804881L	Lights and Gates;
21064	UPRR	Weld County - CR 126	804893F	Lights and Gates;
21068	UPRR	Sedgwick County - CR 34	805397N	Lights and Gates;
21063	UPRR	Sedgwick County - CR 44	805401B	Lights and Gates;
-	KYLE	Kit Carson County - Flagler	594746K	Lights and Gates;
-	KYLE	Kit Carson County - Vona	594737L	Lights and Gates;
-	KYLE	Kit Carson County -Stratton	5944732C	Lights and Gates;
-	KYLE	Kit Carson County - Bethune	594720H	Lights and Gates;

(M) Colorado Freight Plan

In 2015 CDOT completed the State Highway Freight Plan, a first of its kind for the Department. The plan's intent is to outline the importance of freight movement to Colorado's economy and residents, and identify ways for the department to better consider freight when making transportation decisions. The plan primarily focuses on highway transportation but outlines the steps required to approach freight movement from a multimodal and intermodal perspective. In July 2016, CDOT began developing a Multimodal Freight Plan to better address connectivity between freight modes (air, rail, & truck), better align the efforts of individual modal programs, and begin to better connect freight movement to the economic vitality of the state. The Multimodal Freight Plan is being developed in tandem with the State Freight and Passenger Rail Plan.

(N) Crude by Rail / Hazardous Materials by Rail

While it does not directly relate to abandonment or rail acquisition, in much of the public's mind, fears about crude by rail shipments prompt questions about the "eastern bypass." The Federal Railroad Administration (FRA) promulgated safety rules and an emergency order during 2014, related to Bakken Crude, a subset of all crude by rail. The rule requires each railroad operating more than 1 million gallons (35 tank cars) in a particular state to provide notification regarding the expected movement of such trains.

In Colorado, a joint-agency authority is responsible for receiving and tracking information per the FRA emergency order about Bakken crude. The joint agencies are the Colorado Department of Public Safety and the Department of Public Health and the Environment. These agencies have developed procedures for emergency preparedness for various types of explosives or volatile liquids, such as chlorine, which have also been the subject of similar rail safety concerns in the past.

The American Association of Railroads (AAR) industry group reports that, overall, railroads are continuing to increase safety and see a decrease in overall derailment rates on a year-over-year basis, contrasting with the heightened awareness by the public of accidents like those in Cassleton, ND, USA and Lac-Mégantic, QC, Canada. USDOT data indicate that about 15,000 of the 94,000 (or 16%) rail tank cars nationwide meet the latest safety standards.

The Lac-Mégantic rail disaster in July 2013, with 47 deaths, was the first high-profile train accident. Continued high-profile train accidents/derailments/spills have kept public attention about safety high in Colorado communities. These accidents are as follows: New Augusta MS (Jan 2014), Lynchburg VA (Apr 2014), Mount Carbon WV (Feb 2015), and Galena IL (Mar 2015). Local Colorado experiences, have kept public attention in Colorado focused on the issue. This

has included two spills locally near LaSalle CO (oil, May 2014) and Colorado Springs CO (ammonia solids, Apr 2015).²



Figure 1: LaSalle CO, source: Greeley Tribune



Figure 2: Colo Spgs CO, source: The Gazette

In November 2015, Denver Mayor Michael B. Hancock engaged a team of subject matter experts from City and County of Denver staff, external partners, and City Council to 1) review the City's policies and practices around safety and hazard mitigation in areas near rail, 2) develop recommendations, and 3) report to the Denver Mayor by July 1, 2016. Members of the Railroad Safety Working Group included City and County of Denver agencies and partners from the freight and passenger rail carriers, federal government, and state government, including CDOT representation.

² [https://en.wikipedia.org/wiki/List_of_rail_accidents_\(2010%E2%80%93present\)](https://en.wikipedia.org/wiki/List_of_rail_accidents_(2010%E2%80%93present))

The working group found that several practices existed for prevention, preparedness, response and recovery, however, they recommended numerous improvements as shown in the following table:

Denver Mayor’s Working Group on Rail Safety - Findings	
Improvement Area	Recommendation
Communication and Feedback	<ul style="list-style-type: none"> • Continue building relationships and communications channels • Measure success with metrics and stakeholder feedback
Prevention and Preparedness:	<ul style="list-style-type: none"> • Continue to invest in first responder and traffic engineer familiarization and training • Access real-time data for first responders and emergency managers • Plan multi-agency tabletop and large-scale training exercises • Formalize hazard analysis and plans for incident management and evacuation • Identify areas for targeted community outreach • Create education partnerships • Incorporate proximity to rail screening into development review process • Explore enhancing and deputizing enforcement • Share monitoring systems
Response and Recovery	<ul style="list-style-type: none"> • Plan for recovery • Inventory possible response and recovery assistance
Further Research	<ul style="list-style-type: none"> • Research funding opportunities to support this work • Seek other risk analysis data • Share knowledge

(O) Quiet Zones

A number of Colorado communities have begun or are in the process of exploring the implementation of quiet zones at rail crossings. A quiet zone is a section of a rail line that contains one or more consecutive public crossings at which train horns are not routinely sounded. Without a quiet zone, horns are sounded at crossings according to the regulations of the Federal Railroad Administration (FRA) Train Horn Rule. The rule also lays out the details of the improvements needed to establish a quiet zone. Without the horns being sounded, most passenger and freight railroads, consider this a reduction in overall safety. Consequently quiet zones are often implemented with other safety devices or are considered alongside the closure of other crossings, so that on-balance, there is no net loss in safety.

The following table identifies communities that either have established quiet zones, have applied for quiet zones or are considering quiet zones:

Communities with Established Quiet Zones	Communities that Submitted Notices of Intent	Communities Considering Quiet Zones
Arvada (3)	Adams County	Boulder
Brush	Arvada (2)	Brighton
Commerce City (3)	Aurora	Fort Collins*
Douglas County	Broomfield	Longmont
El Paso County	Castle Rock	Loveland
Fort Morgan (2)	Colorado Springs	
Monument	Denver	
Westminster	Windsor (3)	
Winter Park (2)		

*The FRA denied the City of Fort Collins 2015 request for a waiver of its train horn rule because it did not meet safety standards which currently require gates.

(P) Positive Train Control

Positive Train Control (PTC) is a technology that prevents accidents and saves lives. PTC is designed to prevent certain train-to-train collisions, over-speed derailments, incursions into established work zone limits, and trains going to the wrong tracks due to improper switching. In 2008, Congress mandated PTC implementation on the main lines of Class 1 railroads and entities providing regularly scheduled intercity or commuter rail passenger transportation over which any poisonous or toxic-by-inhalation hazardous materials are transported. Last October, Congress extended the original PTC implementation deadline from December 31, 2015 to at least December 31, 2018.

Part III: Recommendations

There are no major rail lines in Colorado which have been abandoned in the past year that impact the state's transportation system, nor are there any which are considered to be at high risk of abandonment at the current time. Consequently, at this time the Department is not recommending to the TLRC that any railroad rights-of-way or rail lines be acquired by the State. However, the Department is recommending the following actions as noted below:

Maintenance Recommendations

The Southwest Chief Commission should pursue additional funding (e.g., TIGER grants) to finance necessary repairs on the Raton Pass Line. It is estimated that the line will require further investment of \$41 million on 48 miles of track within the next 5 years in order to maintain adequate track quality and speeds.

Abandonment/Acquisition Recommendations

Continue to monitor activities on the Tennessee Pass and the Fort Collins Branch Lines. While there is no indication that the UP will abandon these lines in the near future, the Tennessee Pass Line has not been used for freight movements in over 15 years. If either of these lines is abandoned the state should consider purchasing them to preserve them for freight and/or passenger service in the future.

