

**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 report on rail abandonments and recommendations relative to possible rail line acquisitions. This is the eighteenth 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 last year there have been actions directly related to reduced track maintenance and freight operations, lawsuits over track removal, and a disputed filing for abandonment. During the last year, there have also been actions on other track related to flood-recovery. Finally there have been increased coordination with freight railroads related to many CDOT highways.

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 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

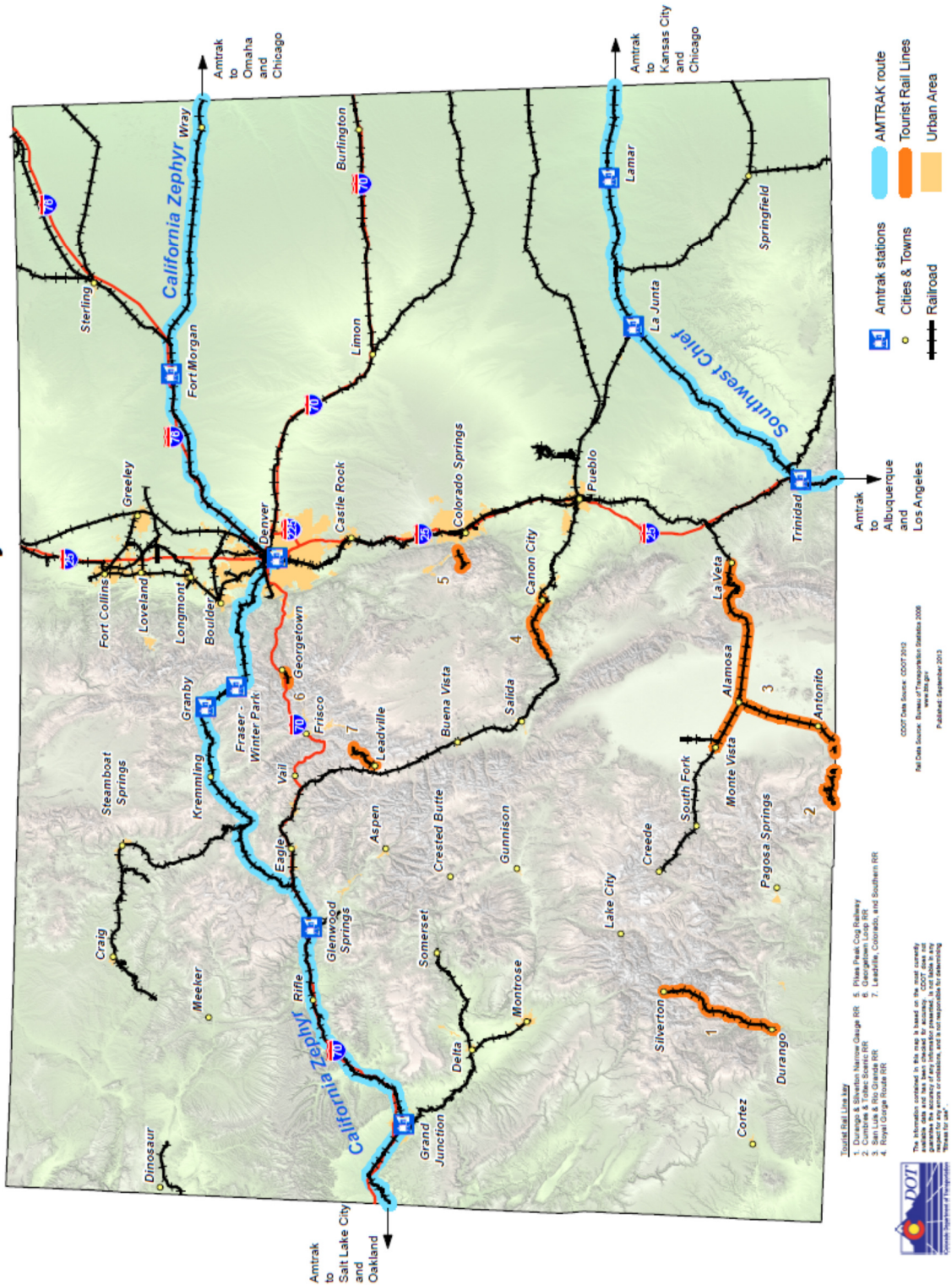
Creek/Victor, Durango/Silverton, Georgetown, Leadville, Manitou Springs/Colorado Springs, Cañon City, and two near Alamosa.

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. Sections of Kansas and Colorado track over which the Southwest Chief operates, were awarded a TIGER VI grant in late 2014. Consequently, the Southwest Chief is no longer in immediate jeopardy of re-routing out of Colorado. In 2015, communities along the line submitted a TIGER VII application for repairs to additional sections of track. (see Section F below).

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.

Colorado Rail System



(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. Nine meetings were held during the last year, including those in September 2014.

(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.

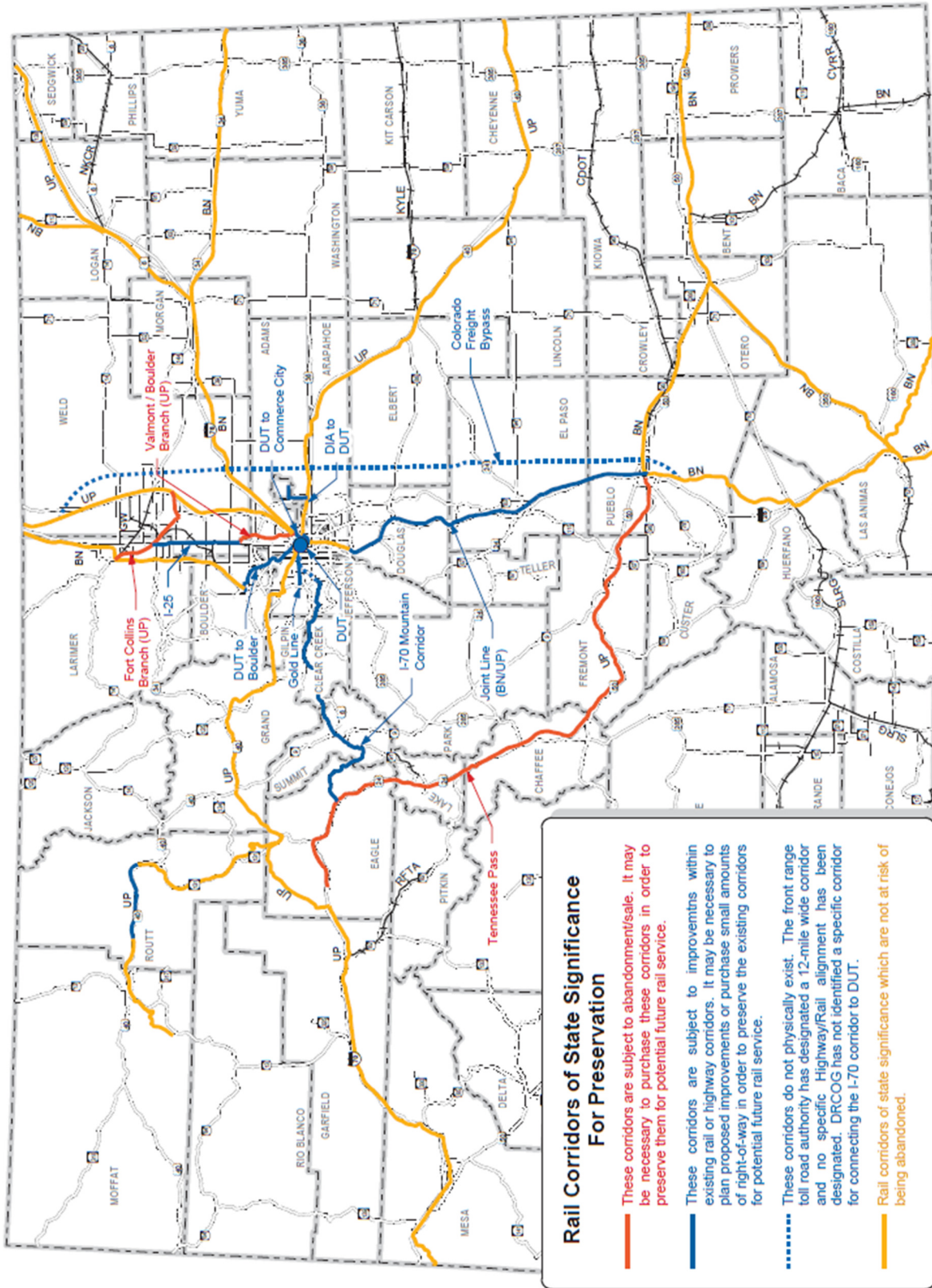
a) Public support may be measured in terms of adopted land use plans supportive of rail transit or freight rail, local transportation investments and/or financial commitments.

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 the next page.

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 identified the Towner Line and Tennessee Pass Line for preservation. 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 both from eastern Colorado property owners worried about indefinite plans for



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.

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

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

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).

(D) Abandonment Activity

Welty Branch

The Welty Branch is a 6.2 mile line between Welty, Colorado (near the intersection of Smith Lane and Weld County Road 5) and Johnstown, Colorado (near the intersection of N. 2nd Street and N. Parish Avenue). On May 6, 2008 Great Western Railway (GRW) filed to abandon the Welty Branch in Weld County, Colorado, with the Surface Transportation Board (STB). No significant action has occurred in this process since March of 2009. GRW has been granted the authority to consummate the abandonment but states it is continuing to explore alternatives to abandonment. GRW applied for and received a deadline extension in April 2014. Authority to consummate the abandonment will expire on May 6, 2015 as GRW did not apply for an extension prior to this date. GRW confirmed in August 2015 that there are no current plans to abandon the Welty Branch.

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 (Tennessee Pass and Fort Collins branch). A third line (Raton Pass) has received much attention in 2013-2015 as having potential risk to passenger service cessation. All three are described below:

❑ **Tennessee Pass Line (UP)**

The Tennessee Pass line runs 178 miles from near Gypsum, through Eagle, Edwards, Avon, and Minturn, over Tennessee Pass 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 on the 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 (NFRTAFS, 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.

❑ **Raton Pass Line (BNSF Railway) / Amtrak Southwest Chief**

In late 2007, BNSF Railways ceased most freight operations on the Raton Pass line through southeastern Colorado and northeastern New Mexico, rerouting freight trains on the parallel Transcontinental Line. As an indicator of the low freight usage of the line in 2008, the state of New Mexico, under then Governor Richardson, proposed to purchase the route from Lamy, N.M.(near Santa Fe), 182 miles north to the Colorado border. However, newly in office in 2011, New Mexico Governor Martinez reversed position and contended the line “would have saddled New Mexico taxpayers with a legacy project from the previous administration...with very little, if any, return on investment.”¹

On September 12, 2014, the United States Department of Transportation (USDOT) announced that the Garden City, KS TIGER VI grant application was awarded in the amount of \$12.46 Million federal funds, matched with \$11.80 Million in non-federal funds, for a total project of \$24.26 M. The project will restore bolted rail between Hutchinson, Kansas and Las Animas, Colorado – over which Amtrak’s Southwest Chief currently travels – to a much safer and higher-performing standard, featuring continuously-welded rail, new turnouts, and panelized grade crossings. Improvements are being targeted to locations with the most urgent needs, preventing additional deterioration of service in the immediate future. As of August 2015, the TIGER VI grant was in the process of being executed by all parties, with expectation of implementation in Fall 2015 through Spring 2016. Communities along the corridor submitted a TIGER VII grant in summer 2015 to repair the next worst sections of track in western Kansas, southern Colorado (near Trinidad) and in New Mexico (south of Santa Fe). By itself, the 2014 TIGER VI grant award and long-term operating commitments made by BNSF Railway, ensure the near term operability of the Amtrak Southwest Chief route over the line. Additional funding would secure longer-term stability of the line and the service.



CDOT will continue to monitor activities related to Tennessee Pass and Raton Pass for the foreseeable future.

(F) State Rail Bank Fund Activities

There were no expenditures from the State Rail Bank Fund in FY 2015. 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

¹ RailForum.com, April 29, 2011.

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 (2015) 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 two companies are continuing negotiations and seeking legal clarification from the Surface Transportation Board.

CDOT will continue to monitor the proceedings of both portions of the line. CDOT will continue to also 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.

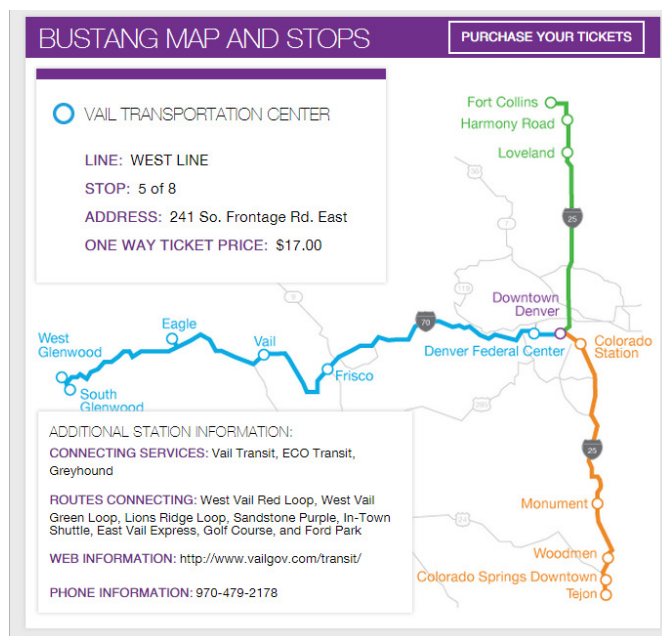
(A) The State Freight and Passenger Rail Plan (SFPRP)

The Federal Railroad Administration (FRA) awarded a \$400,000 PRIIA grant to CDOT to develop a state rail plan. The grant required a \$400,000 match from CDOT, for a total project value of \$800,000. CDOT completed the State Freight and Passenger Rail Plan in March 2012. The Federal Railroad Administration approved the plan in October 2012.

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 be eligible for future rail infrastructure investment funds, as states must have a state rail plan in order to qualify for such funds. The Plan will have periodic administrative updates through 2015 and go through a full update in 2016/2017. CDOT intends to follow and incorporate the latest guidance from the FRA in the development of the pending plan update.

(B) Denver Union Station / Bustang Regional Bus service

On July 13, 2015 CDOT, with operator Ace Express, commenced Bustang inter-regional bus service. The bus service is bringing additional passengers to Denver Union Station enabling more statewide connectivity with Amtrak's California Zephyr line and RTD's rail network. Bustang operates one round trip per day between Glenwood Springs and Denver, seven per day between Colorado Springs and Denver, and six per day between Fort Collins and Denver.



(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) for 50 years, in Europe (TGV & 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.

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.

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.



In late 2014, the I-70 Coalition formed a sub-committee to continue to explore the economic benefits of AGS along the I-70 Mountain Corridor. The intent of the subcommittee is to find funding to more fully study and document the extent of those benefits, and work toward a funding & financing plan for AGS.

(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\$).

(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.

(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 2015.

Lamar Station

CDOT awarded State FASTER Transit funds to the City of Lamar to build a new multimodal station adjacent to the existing historic train station. The historic station is occupied by the Chamber of Commerce and the Colorado Welcome Center and currently has no space for a dedicated Amtrak passenger waiting area. The intent of the project was to create a new structure that would house a small waiting area, an office/ticket counter, and two restrooms to be used by both Amtrak and intercity bus operators and their passengers. After the FASTER award was made, the City chose to withdraw its application for funds, primarily due to concerns about the ongoing costs to staff and maintain the facility.. However, Amtrak constructed a new ADA-compliant platform and installed lighting at this location in 2013.

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

Amtrak constructed a new ADA-compliant platform and installed lighting at this location in 2013.

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. The City of Trinidad and the South Central Council of Governments (SCCOG) mutually committed to support construction of a replacement station. They agreed to construct a multimodal station for Amtrak, Greyhound and other intercity bus carriers, as well as local transit service, in order to improve connectivity.

CDOT and the Federal Transit Administration are providing various State and Federal grants for construction of a multimodal station. The project is also benefitting from contributions from other parties, including BNSF, Amtrak the City and SCCOG. CDOT Region 2 constructed a new park and ride lot, with bus and car parking, adjacent to the platform and intended location of the new station. The City and SCCOG are in the process of obtaining the land for the station from right-of-way owned by BNSF. Land acquisition has been a lengthy process, given staff turnover and the various agreements needed by Amtrak and the BNSF.

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 has stated that there is not a business reason for the line to be maintained at a higher level, and that if faster passenger service is desired it is 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.

Various ideas had been reported to be in conversations among Amtrak, BNSF, representatives of the three states and local community representatives. One idea is to divide the \$200 Million among the three states, roughly in thirds, adjusted proportionally to track miles in each state. This would mean roughly \$33 Million in up-front capital, and \$3.3 Million per year for 10 years, for each state. Each state would pay roughly a total of \$66 Million in constant dollars. Other ideas suggest the possibility of dividing the \$200 Million among the three states, Amtrak, and BNSF.

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 \$14,969,963 in TIGER funds for the Southwest Chief Route Improvement Project, and was awarded \$12,469,963. These funds will be 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 condition with continuous welded relay rail, new turnouts, and panelized grade crossings. This federal grant is combined with \$11,800,000 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. As of August 2015, the contracts for the work were nearing completion.

Winter Park Express

Amtrak, together with partners from Winter Park, City of Denver, Denver Chamber of Commerce, Union Pacific, and Colorail, are all exploring the possibility of bringing back “ski train” service to Winter Park. A one-weekend demonstration of the potential for re-starting the service occurred March 14 & 15, 2015. All 400 tickets, priced at \$75 round-trip) sold out within 12 hours for the March 14th trip, and a second trip was added on March 15th, with that trip selling out in less time.

A number of important elements must come together for the service to operate during a full ski season. The Union Pacific would like a permanent siding and passenger platform installed for

safety reasons. Amtrak has fleet capacity only January to March, where otherwise services around the country place demands on the fleet such that no trains are available. Other partners appear to see no objections in a step-wise effort of expanding from one weekend, to multiple weekends (January to March), and eventually extending service to cover the majority of the ski season as made possible by ticket sales.

(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 their 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 in 2014 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 and security rules in proposed, but not yet finalized, rulemaking as a result of new changes implemented with the Moving Ahead for Progress in the 21st Century Act (MAP 21), the most recent federal surface transportation funding bill.

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 will become 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 Department of Regulatory Agencies (DORA), which includes the PUC, gave a briefing on this 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.

(I) Transit Asset Management (TAM)

Asset management is a critical area of focus for any transportation provider regardless of mode. In fact, it is seen as so important that it will soon become the driving force behind CDOT's department-wide approach to resource allocation and project prioritization.

Furthermore, with the adoption of MAP21, Transit Asset Management is now priority area of focus for the Federal Transit Administration. MAP21 requires that all grantees of the Federal Transit Administration develop transit asset management plans and that the states certify these plans. CDOT's approach to helping grant partners meet this new set of requirements is based on a combination of general oversight of asset management practices at the agency level and providing focused and direct technical assistance where appropriate.

At the time of this writing, FTA has not provided final rules or guidance regarding how to satisfy the new asset management requirements in MAP21. However, the legislation itself articulates two basic requirements that TAM plans must contain – an inventory of all transit capital assets and a prioritized capital development/replacement plan. CDOT endeavors to help state grant partners meet these most basic of requirements through the on-going Statewide Transit Capital Inventory (STCI) project, which is collecting information on all transit assets throughout the state, including rolling stock, facilities, and park and rides. In addition to completing an asset inventory for each recipient of Federal funds, CDOT and its consulting team will also prepare prioritized capital development/replacement plans for each transit provider. In the case that an agency has already developed an asset management plan, CDOT will review said plan for conformity with FTA's expectations and regulations.

CDOT is also providing technical assistance in the form of a guide to the preparation of Asset Management Plans, a revised guide to implementing a preventative maintenance program for rolling stock, as well as training and information sessions at conferences. Additionally, the

Transit Infrastructure Specialist is an available resource to all grant partners as a subject matter expert on the creation and implementation of TAM plans, maintenance procedures and policies, and the development of capital projects.

Progress on CDOT's asset management initiatives will be measured by several performance metrics. Some of these are identified in Policy Directive 14 and others have been developed as part of this plan.

(J) Statewide Transit Performance Measures

Under MAP-21, the U.S. DOT is establishing performance measures and requires state DOTs to develop complementary performance targets. For transit, MAP-21 focuses 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.

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.

(K) 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.

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

(L) 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 will articulate 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.

(M) 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.

Eligibility²

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.

Solicitation of Candidate Projects

To develop and implement safety improvement projects that will reduce the number and severity of train collisions with motor vehicles, bicycles and pedestrians, CDOT's Project Development Branch visits crossings which exhibit features or characteristics suggesting a possible tendency for accidents. The table below presents funded Section 130 projects.

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 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)

² Source: <http://safety.fhwa.dot.gov/xings/>

- The railroad's train volume
- The number and type of railroad tracks existing at the crossing

Current Section 130 Projects:

Project Number	Location	USDOT Crossing Number	Project Type
20127	Las Animas CR 75.1, near Trinidad	003324M	Lights and Gates; crossing concrete surface widening for skew Concrete Crossing Surface
20128	Washington CR Q	057275T	Lights and Gates; County: advance warning signs, asphalt at crossing; widen
20129	Washington CR U	057277G	Lights and Gates; County: advance warning signs, asphalt at crossing; widen
20130	Washington CR XX	057305H	Lights and Gates; asphalt at crossing
20131	Yuma CR L	057320K	Lights and Gates; County: asphalt at crossing; widen
20132	Yuma CR PP	057349H	Lights and Gates; advance warning signs plus limited storage distance signs
20184	Yuma CR H	057317C	Lights and Gates
20193	Vision Lane, in Pueblo	003471A	Lights and Gates; crossing upgrade timber to concrete

Future Section 130 Projects:

USDOT Crossing Number	County	Railroad	Project Type
057241Y	Morgan CR 15	BNSF	Lights and Gates; Concrete Surface
057551T	Morgan CR W7	BNSF	Lights and Gates;
057569D	Morgan CR 31	BNSF	Lights and Gates;
057243M	Morgan CR 17	BNSF	Lights and Gates; Concrete Surface
057224H	Weld CR 75	BNSF	Lights and Gates;
057554N	Morgan CR X5/10	BNSF	Lights and Gates;
057240S	Morgan CR 14	BNSF	Lights and Gates; Concrete Surface
057570X	Morgan CR U	BNSF	Lights and Gates;
804377Y	Weld CR 18	UPRR	Lights and Gates;
804852B	Weld CR 72	UPRR	Lights and Gates;
804878D	Weld CR 84	UPRR	Lights and Gates;
804881L	Weld CR 86	UPRR	Lights and Gates;
804893F	Weld CR 126	UPRR	Lights and Gates;
805397N	Sedgwick CR 34	UPRR	Lights and Gates;
805401B	Sedgwick CR 44	UPRR	Lights and Gates;

(N) 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 late 2015, CDOT will begin 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.

(O) 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 included 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).³

³ [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))



Figure 1: LaSalle CO, source: Greeley Tribune



Figure 2: Colo Spgs CO, source: The Gazette

(P) 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.

Communities considering expansions to or new quiet zones are as follows:

- Arvada
- Boulder
- Castle Rock
- Commerce City
- Denver
- Fort Collins
- Longmont

(Q) Flood Recovery Assistance for Class III Railroads / GWRCO

Between September 9th and 16th, 2013 the State of Colorado was subject to a sustained period of torrential storms resulting in severe flooding, landslides and mudslides. Damage to infrastructure and property was extensive and spread across many counties. Federal Disaster DR-4145 was declared on September 14th.

On October 31, 2013, the Federal Railroad Administration (FRA) issued a notice of funding availability (NOFA), making available flood/disaster recovery funds for Class II and Class III railroads. The Great Western Railway of Colorado (GWRCO) and CDOT applied for, and were subsequently awarded a grant of \$1,656,401 in funding. After completing environmental and

procedural requirements, the funds were delivered in April 2015, and the project closed out at the end of July 2015.

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, and as mapped on the following page:

The **first priority** is to monitor the status of the Raton Pass line (re: Amtrak Southwest Chief) and to participate in the Southwest Chief Commission. Recent history suggests risk of the New Mexico segment being abandoned, but not the Colorado segment. The Colorado segment may experience a decline in track quality and track speed, and should be monitored. If this line is abandoned, the State should evaluate the likelihood that it would be purchased by a short-line railroad, and if not purchased by a short-line railroad, purchase it to preserve it for freight service in the future.

The **second priority** is to monitor the status of the Tennessee Pass line. While there is no indication that the UP will abandon this line in the near future, the line has not been used for over fifteen years. If this line is abandoned, the State should purchase it to preserve it for freight service in the future.

