



**COLORADO**  
Department of Transportation  
Division of Transit & Rail

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**DATE:** July 13, 2018  
**TO:** Transit & Rail Advisory Committee  
**FROM:** David Krutsinger, Director, Division of Transit & Rail  
Sharon Terranova, Senior Transit & Rail Planner  
**SUBJECT:** Colorado State Freight and Passenger Rail Plan

Purpose

To respond to questions proposed at the June 2018 meeting, engage in further dialogue at the July meeting, and then seek approval of the Plan at the August 2018 meeting.

Action Requested

Approval of this plan at this July meeting, or at a special meeting prior to August 15<sup>th</sup>.

Background

The State Freight & Passenger Rail Plan (“Rail Plan”) balances the fiscal realities of CDOT’s current funding, with the higher expectations that CDOT take on a larger role in rail transportation. The Rail Plan is required by FRA for CDOT and community partners to be eligible for competitive, federal grant opportunities like TIGER, BUILD, INFRA, and CRISI, and other future federal funding. Those funding sources are available for both freight and passenger rail purposes.

At the June 2018 Transportation Commission workshop, Commissioners requested additional information and clarification about the State Freight & Passenger Rail Plan. January/February 2018 was the last time that the TRAC and TC Commissioners had seen a copy of the draft document. TRAC advised in January that approval or endorsement be postponed until the draft Final Document was available. In June, the Transportation Commissioners asked whether “approval” was a perfunctory rubber-stamping of an FRA administratively required planning document, or whether, given other events of the last year, the Rail Plan represented a more substantive body of work amounting to a policy statement, possibly a new policy direction, on rail investment. This memo seeks to clarify what it is, exactly, that the TRAC and Transportation Commission are being asked to approve.

Details

The table below lists the most recent briefings in 2018 on the Rail Plan, and occasionally the companion Colorado Freight Plan (“Freight Plan”) when briefings were done jointly.

Month & Meeting	Purpose	Expected Next Step
January 2018 T&I Committee & TRAC	Update on development of the Colorado Freight Plan and the State Freight and Passenger Rail Plan	February 2018 Draft Reports March Final Report & Adoption
February 2018 Transportation Commission Workshop	Review Opportunity for the State Freight and Passenger Rail Plan prior to request for TC Adoption/Approval in March.	March Final Report & Adoption
March 2018 T&I Committee & TRAC	Update the Transportation Commission on the progress of this FRA-required planning document, and approval step.	March Information Only May Adoption
June 2018 Transportation Commission Workshop	Transportation Commission overview and review of the 2018 State Freight and Passenger Rail Plan prior to request for approval in July 2018.	June Final Report Document July Adoption of the Rail Plan

In January and February 2018, the Rail Plan was coming to a close, and the “Colorado Delivers” freight message had been unveiled. It seemed likely that the Rail Plan would reach its conclusion in March. After the February meeting, however, the Federal Railroad Administration (FRA) requested significant changes to the organization and structure of the Rail Plan to more closely align with PRIIA guidance. Prior rail plans had been approved with wider latitude on plan organization, allowing for more readability, and contents varied to reflect that some state DOTs own and/or operate rail systems, while others like Colorado DOT, do not. In March, CDOT staff advised that it would take time to re-work the organization of the Rail Plan, and make minor content changes.

In April, the Rail Plan changes were not quite ready. May’s Transportation Commission meeting was a road trip to Durango and the necessarily abbreviated agenda did not lend itself to discussion that month. No presentation on this topic was given at the May TRAC meeting, either. Also in May 2018, the State of Colorado Legislature passed Senate Bill 18-001 (SB 1), which included \$2.5 Million in funding for the Southwest Chief & Front Range Passenger Rail Commission (“Rail Commission”). That bill gave momentum to a Rail Commission, independent of CDOT, acting in capacity similar to the relationship between the High Performance Transportation Enterprise (HPTe) Board and the CDOT Transportation Commission.

In June, staff hoped to do a reprise of prior content, and seek approval in July. The belief was still that the content had not changed substantively since February, only the organizational structure. The draft Final Report missed the deadline for inclusion in the June Transportation Commission packet, and made the Commission uncomfortable that approval was being requested for a sight-unseen document.

In response to the questions, this memo provides attachments which make available the Draft Final Report, and provide a Draft Resolution in several parts. The Draft Resolution’s first page is very similar to the resolution used when the last Rail Plan was adopted in 2012. The first page is a concise statement that the Rail Plan is required, that a formal public review period was followed, that the Rail Plan has received support from advisory bodies, and that seeing no major comments or controversy, the TRAC and the Transportation Commission can proceed to adoption. The subsequent four pages provide individual resolution statements for each of four policy areas: (1) freight rail, (2) passenger rail, (3) rail planning, and (4) economic development. This should enable the Transportation Commission to follow, step-by-step, why a particular planning goal (policy goal) is recommended. Staff can retain this format for July, or compress key resolution statements into a one- or two-page final resolution.

#### Policy Options

1. TRAC endorse / approve the plan at the July 13<sup>th</sup> meeting, with or without modification/editing.
2. TRAC request changes and a special meeting prior to August 15<sup>th</sup> Transportation Commission Meeting.
3. TRAC Review the Draft Final Plan and the Draft Resolution, and refer major comments to staff, as well as suggesting a different timeline for adoption.

#### Next Steps

- Recommendation: TRAC approve at the July 13<sup>th</sup> meeting. TC adopt/approve in August.
- Staff submit to FRA as final document in August.

#### Attachments:

1. Draft Final Report (see esp. pp 119 - 123 on implementation) & Final Report Appendices
2. Draft Resolution (overall), plus individual resolution statements
3. One Page Rail Plan Summary