



James Tylick  
AVP Passenger Operations

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Ms. Chrissy Breit  
Interim General Manager  
Front Range Passenger Rail District  
1756 West 36th Avenue  
Denver, CO 80211

Ms. Debra Johnson  
General Manager & CEO  
Regional Transportation District  
1660 Blake Street  
Denver, CO 80202

Ms. Shoshana Lew  
Executive Director  
Colorado Department of Transportation  
2829 W Howard Place  
Denver, CO 80204

Dear Ms. Breit, Ms. Johnson, and Ms. Lew:

BNSF Railway appreciates the collaborative efforts underway to establish an Interagency Agreement (IGA) among your organizations to coordinate planning for potential passenger rail service along Colorado's Front Range.

As you know, BNSF has worked closely with your teams to evaluate the feasibility of passenger rail along our Front Range and Pikes Peak Subdivisions. We previously partnered with the Regional Transportation District (RTD) to assess infrastructure needs for potential commuter service between Westminster and Longmont. We have also engaged with the Front Range Passenger Rail District (FRPRD) and the Colorado Department of Transportation (CDOT) regarding intercity service concepts along the same corridor.

We understand that service expectations and operating characteristics for potential passenger rail have evolved over time. In this context, we view the IGA and the concept of a unified approach—one operator, one access agreement, and one voice—as a constructive step toward aligning public agency efforts and streamlining engagement with BNSF and other stakeholders.

As always, BNSF will evaluate any new passenger rail proposal through the lens of our longstanding Passenger Rail Principles, which are attached to this letter. These principles are essential to ensuring that any potential service is compatible with our existing and future freight operations, which are critical to our customers and the economy.

In summary, BNSF recognizes the value of an IGA as a practical and forward-thinking solution for coordinating interagency efforts. We are committed to continued engagement with all stakeholders to ensure the long-term success of rail in Colorado.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Tylick', with a stylized flourish at the end.

James Tylick  
AVP Passenger Operations

CC: French Thompson, General Director, BNSF Railway

## **Passenger Principles**

BNSF is willing to cooperate on passenger rail studies and provide federal, state, and local officials with information. Where passenger rail service is proposed on a minimally used line that BNSF is willing to sell, BNSF shall be paid fair market value for the property. Where passenger rail service is proposed on a line BNSF intends to continue owning and to be jointly used for passenger and freight use, the following principles apply:

- Any passenger rail operation cannot degrade BNSF's freight service, negatively affect BNSF's freight customers or BNSF's ability to provide them with service.
- BNSF must be compensated for any and all costs incurred in providing passenger rail service and make a reasonable return for providing the service.
- Capital investments necessary for passenger rail service are the responsibility of the public, including investments for future capacity which is potentially more expensive, especially in urbanized areas.
- BNSF will not incur any liability for passenger rail operations that it would not have but for those operations. These operations are provided by BNSF primarily as a public service; the relatively modest compensation BNSF receives does not begin to justify assuming the significant liability associated with passenger service.
- Studies of how passenger rail service might be provided must take into account not only the current freight traffic levels, but projected freight traffic growth.
- Investments made for passenger rail projects must not result in BNSF incurring a higher tax burden. Property improvements should not become part of our tax base; materials used should be exempt from all sales and use taxes, etc. or BNSF must be made whole for any increased tax burden.
- BNSF must retain operating control of rail facilities used for passenger rail service. All dispatching, maintenance and construction must be done under the control of BNSF. Passenger stations, parking lots and other non-rail facilities may be publicly owned and operated.
- Studies must reflect BNSF's actual operating conditions and cost structures. For example, construction work estimates must reflect our labor contract costs, schedules cannot assume that we will not operate any freight trains during peak commuter periods, etc.
- BNSF will limit passenger rail operations to the passenger schedules initially agreed upon and for which the capital improvement plan has been designed. Future expansions will have to undergo the same analysis and provide any required capital improvements before schedules can be altered, service added, or stations added.
- Improvements must include grade crossing protection and intertrack fencing as required to minimize the risk of accidents, due to liability and service interruption concerns.

BNSF's relationship with Amtrak intercity passenger service is governed by Federal regulation supplemented by an operating contract between BNSF and Amtrak. Please direct questions about passenger rail service on BNSF Railway to [www.bnsf.com/about-bnsf/contact-us/](http://www.bnsf.com/about-bnsf/contact-us/) or the passenger rail sponsoring agency.

*Includes revisions from August 2007 and February 2023*