

**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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# Table of Contents

- Introduction..... 1
- Part I: Background ..... 1
  - (A) Rail System in Colorado ..... 1
  - (B) Colorado Legislative actions ..... 4
    - 1997 SB 37 / CRS 43-1-13-3 CDOT Report to Legislature ..... 4
    - 1998 HB-93-1395 State of Colorado Towner Line Purchase..... 4
    - 2009 SB 09-94 / CRS 43-1-117.5 Creation of the CDOT Division of Transit and Rail ..... 5
    - 2009 SB 09-108 / CRS 43-4-811 FASTER & Funding for Transit & Rail..... 5
    - 2014 HB 14-1161 Southwest Chief Commission..... 5
  - (C) Past Transportation Commission Actions ..... 6
  - (D) Abandonment Activity ..... 9
    - Welty Branch..... 9
    - Towner Line..... 9
  - (E) Potential Rail Lines for Acquisition ..... 9
  - (F) State Rail Bank Fund Activities..... 11
  - (G) Status of Towner Line ..... 12
- Part II: New Initiatives and Activities ..... 13
  - (A) The State Freight and Passenger Rail Plan..... 13
  - (B) Denver Union Station..... 13
  - (C) Rail Relocation / Eastern Bypass Discussions..... 14
  - (D) High Speed & Intercity & Passenger Rail/Transit Network..... 15
    - AGS and ICS Studies ..... 15
    - High Speed Transit Network Vision ..... 16
  - (E) North I-25 Commuter Rail Update..... 18
  - (F) Interoperability Assessment ..... 18
  - (G) Amtrak Examination of Service in Colorado ..... 19
    - Study of Denver – Seattle Pioneer Line ..... 19
    - Lamar Station ..... 19
    - La Junta Station..... 19
    - Trinidad Station..... 20

Southwest Chief .....	20
(H) State Safety Oversight Agency / Public Utilities Commission .....	21
(I) Transit Asset Management (TAM) .....	21
(J) Statewide Transit Performance Measures .....	22
(K) Transit Guiding Principles .....	23
(L) Statewide Transit Plan .....	24
(M) Section 130 Rail Crossing Improvement Program .....	24
Eligibility .....	24
Solicitation of Candidate Projects .....	25
Ranking, selection and Prioritization of Projects .....	25
(M) Colorado Freight Plan.....	26
(N) Crude by Rail .....	26
(O) Flood Recovery Assistance for Class III Railroads / GWRCO .....	26
<b>Part III: Recommendations .....</b>	<b>27</b>

# 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 seventeenth 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, track removal, and a filing for abandonment. During the last year, there have also been actions on other track related to flood-recovery.

**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 miles of track 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 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

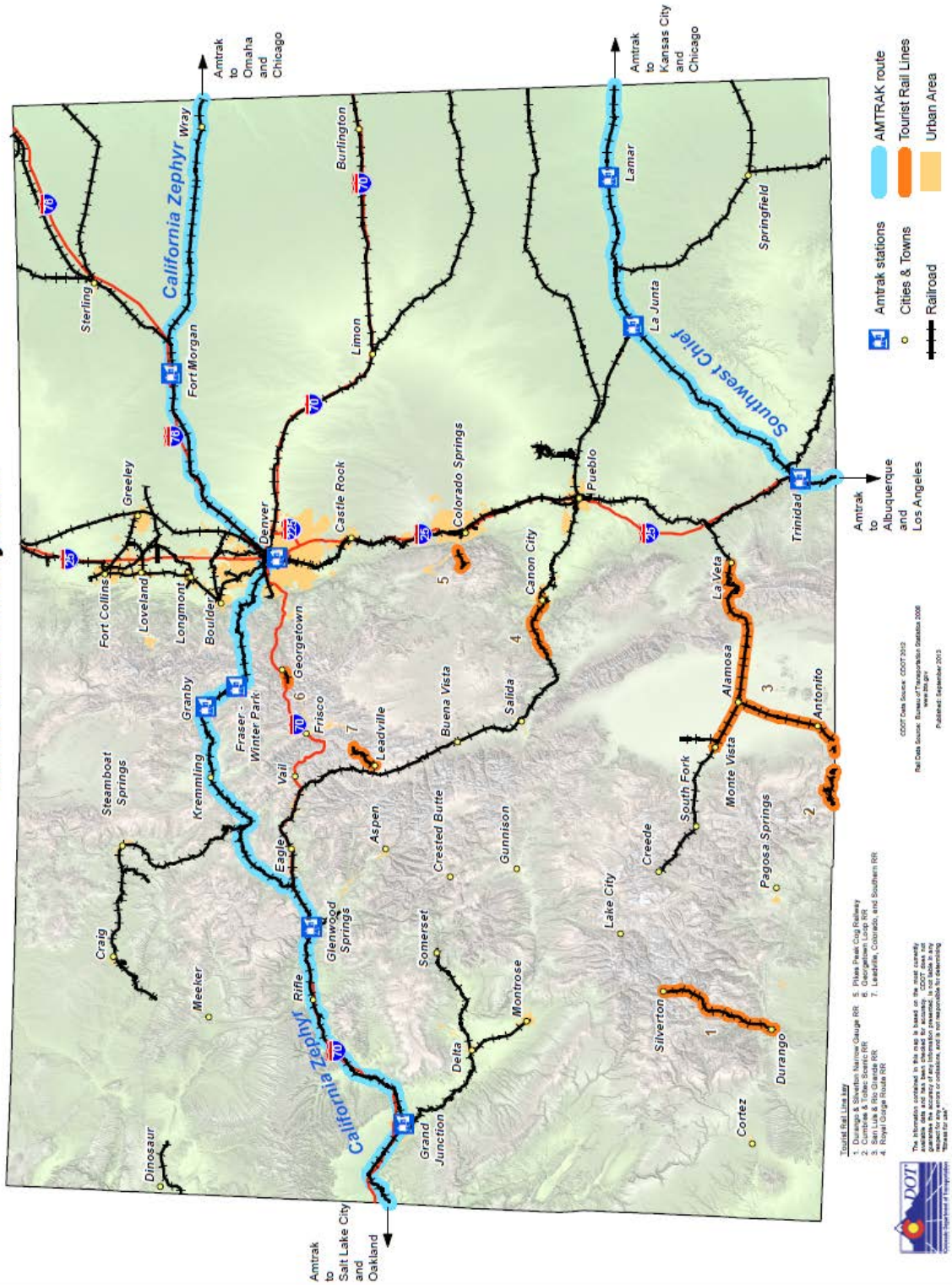
Creek/Victor, Durango/Silverton, Georgetown, Leadville, Manitou Springs/Colorado Springs, Cañon City, and two near Alamosa.

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. .
- The Southwest Chief runs daily between Chicago and Los Angeles. Colorado stops include: Lamar, La Junta and Trinidad. The Southwest Chief is in jeopardy of re-routing out of Colorado subject to Amtrak and BNSF negotiations on renewing their operating agreement which is set to expire in 2015, including track maintenance and safe operating speeds through Kansas, Colorado and New Mexico. (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



- Tourist Rail Line Key**
- 1. Durango & Silverton Narrow Gauge RR
  - 2. Cumbres & Toiyabe National RR
  - 3. Georgetown Loop RR
  - 4. Royal Gorge Route RR
  - 5. Pikes Peak Cog Railway
  - 6. Obergeorgien Loop RR
  - 7. Leadville, Colorado, and Southern RR



The information contained in this map is based on the most current available data and has been checked for accuracy. CDOT does not accept any liability for errors or omissions, and is not responsible for determining "best fit" data.

CDOT Data Source: CDOT 2012  
 Rail Data Source: Bureau of Economic Analysis 2008  
 www.dot.state.co.us  
 Published: September 2013

## **(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 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: safety, bridge, and 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 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 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 deadline, and the Southwest Chief Commission began meetings 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.

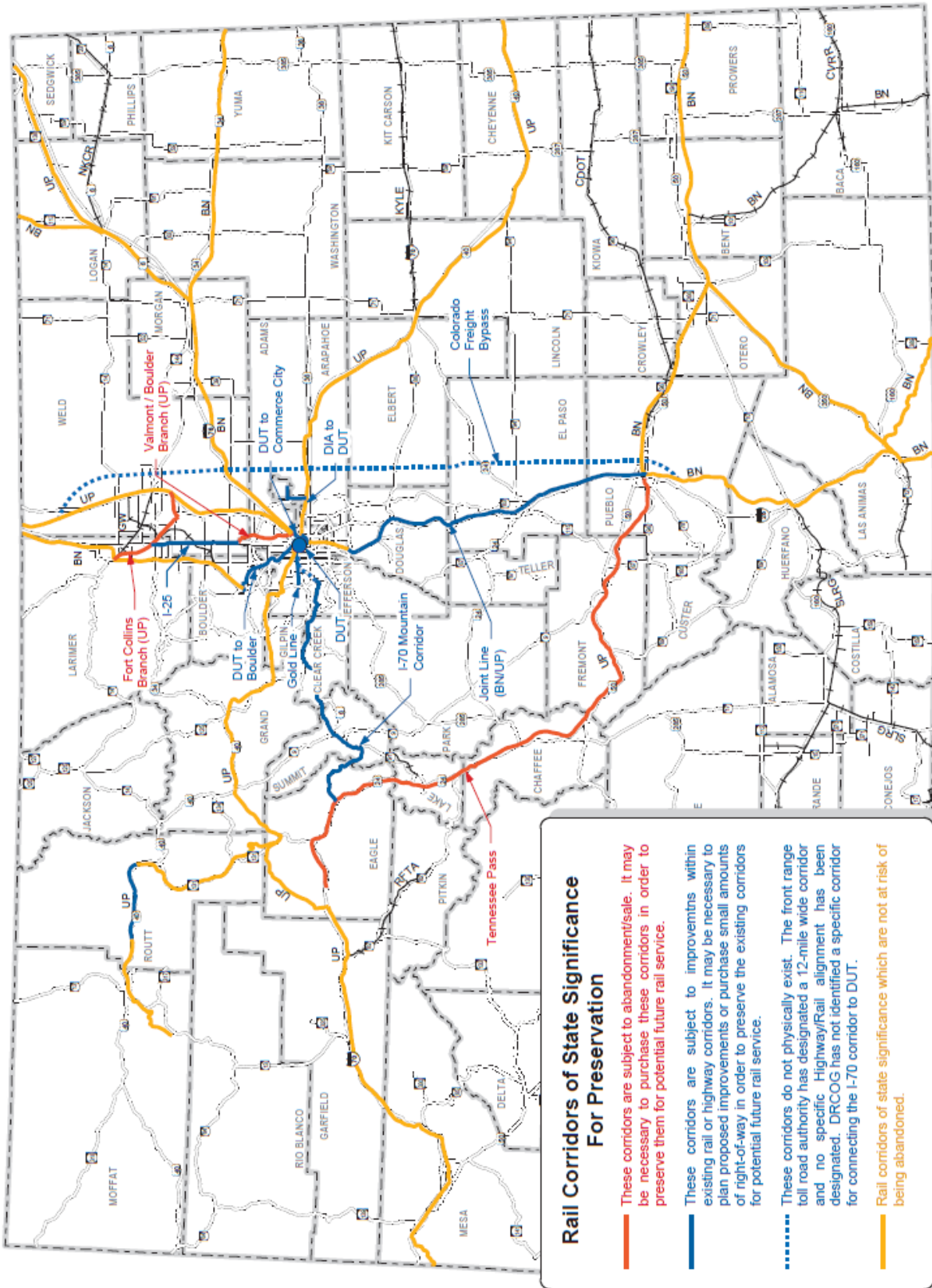
a) Public support may be measured in terms of adopted land use plans supportive of rail transit or freight rail, local transportation and financial commitments.

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 will be 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 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: CDOT 2003  
 Rail Corridors of State Significance Map.mxd

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

## **(D) Abandonment Activity**

### **Welty Branch**

On May 6, 2008 Great Western Railway (GRW) filed to abandon the Welty Branch, a 6.2 mile line, in Weld County, Colorado, with the Surface Transportation Board. 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 May 6, 2015. GRW may apply for an extension if no action is taken prior to this date.

### **Towner Line**

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 May 14, 2014 V&S filed a notice of Exemption Abandonment with STB to abandon the remaining 39.5 miles from Eads to Towner, Colorado. 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 Burlington Northern (BN)), 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 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 at risk of future abandonment. A third line has received much attention in 2013-2014 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.

❑ **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., 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.”<sup>1</sup>

Amtrak has until 2015 to find a solution to maintenance needs along the route from Newton, Kan., to Lamy, N.M., about 650 miles of track. Diminished freight traffic on the BNSF Railway, Amtrak’s host railroad for this segment, has made maintenance and especially repair and replacement of aging track, signals and bridges too costly for the railroad to justify without additional financial resources. Speed restrictions and an older signal system have meant slower, less reliable Amtrak service. Until recently, the Southwest Chief has been Amtrak’s most reliable long distance train with a 90 percent on-time record. The line’s track quality and operating speed will deteriorate further without upgrading and maintenance. Without additional resources BNSF and Amtrak will be faced with slowing or rerouting the train. The maintenance contract with BNSF Railway expires in 2015.<sup>2</sup> As noted above, the Colorado legislature created the Southwest Chief Commission to engage in discussions exploring the preservation and/or re-routing of the Amtrak service in Colorado.

CDOT will continue to monitor the three remaining Rail Corridors of State Significance with regard to possible abandonment actions. These items will remain on the priority list for continued monitoring by the Department.

## **(F) State Rail Bank Fund Activities**

There were no expenditures from the State Rail Bank Fund in FY 2014. 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.

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.

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<sup>1</sup> RailForum.com, April 29, 2011.

<sup>2</sup> La Junta Tribune Democrat, September 7, 2013.



## (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. 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 vis 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**

The Federal Railroad Administration 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.

### **(B) Denver Union Station**

CDOT continues to participate as a partner in the development of Denver Union Station (DUS). The City and County of Denver, RTD, DRCOG and CDOT jointly purchased the 19.5-acre Denver Union Station (DUS) site and agreed to fund the development of a master plan, a rezoning of the property, and an Environmental Impact Statement. The master plan and zoning application were completed, the EIS was completed and a Record of Decision was signed by the Federal Transit Administration on October 17, 2008.

The Denver Union Station Project Authority (DUSPA) is the non-profit, public benefit entity formed by the city in July 2008 along with its public partners. DUSPA is responsible for the financing, acquiring, owning, equipping, designing, constructing, renovating, operating and maintaining the Denver Union Station redevelopment project.

Federal loans constituted approximately 58 percent of all funding sources for the project; under the financing plan, an RTD bond as well as tax increment revenues pledged to DUSPA were used to repay the debt. The remainder of the project funding came from the RTD FasTracks tax initiative, SAFETEA-LU, the Senate Bill 1 Strategic Transit Program, and the master developer. RTD assisted with the construction management of the transportation improvements and owns and operates the facilities after the construction period.

The total cost of the project was \$489M. Denver Union Station was completed in 2014, with several openings during the year. In February 2014, Amtrak resumed passenger train service to the new train terminal at Denver Union Station. In May 2014, the underground bus station opened and RTD transferred all bus operations previously housed at the Market Street Station to the new underground station at DUS. In July 2014, the historic Denver Union Station building was re-opened to the public, including the main transportation hall, a new hotel, and related restaurants. Lines to Arvada (Gold Line), Westminster (NW Line), and DIA (East Line) will open in 2016. The North Metro line, serving Commerce City, Thornton, and Northglenn will open in 2018.



### **(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)

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 40 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.

### **AGS and ICS Studies**

The precursor Rocky Mountain Rail Authority (RMRA) High Speed Rail Feasibility Study indicated that good connections in Denver, particularly with RTD's FasTracks rail lines, were crucial to the success of any potential future high speed rail line. The RMRA study indicated that a very limited number of stations should be located in the Denver metropolitan region and that

those stations would ideally also serve Regional Transit District (RTD) FasTracks stations. The study also pointed out that alignment choices were limited in the Denver area due to existing rail traffic and an already heavily built urban environment. The RMRA study had two key recommendations:

1. To focus future study efforts on the I-70 Mountain Corridor between Eagle Airport and DIA, and an I-25 Front Range Corridor between Fort Collins and Pueblo as the most cost effective segments of a larger intercity/interstate system.
2. To develop a more robust financial plan for the initial corridor segments.

With the passage of the Passenger Rail Investment and Improvement Act of 2008 (PRIIA), CDOT applied for and was awarded funds for conducting the Interregional Connectivity Study or ICS. The FRA awarded \$1 million for this study, with a required \$1 million match from CDOT. An additional match of \$500,000 was transferred to the study from the Advanced Guideway System Feasibility Study budget to consolidate efforts and produce ridership estimates for both studies. Using the following purpose statement, the ICS study further evaluated technologies and alignments, refined the level engineering as compared to RMRA, and explored & developed a financing plan.

*The purpose of the ICS project is provide Colorado with a well-supported modal option for the State's transportation network that connects communities and destinations for interregional business and tourism travel; builds on and strengthens Colorado's existing transportation infrastructure; supports the State's Vision, as articulated in the 'State Rail Plan'; and offers statewide social, environmental, and economic benefits that are greater than the capital and operating costs of its implementation*

The Advanced Guideway System (AGS) Feasibility Study was a requirement of the 2011 Programmatic Environmental Impact Statement (PEIS) and Record of Decision (ROD). Its charge was to determine if a high speed transit system on a fixed guideway was possible to serve the recreational, business and freight needs of communities along the I-70 Mountain Corridor, from Eagle County Regional Airport to the vicinity of C-470/I-70 initially, and DIA ultimately. The study was to determine if the AGS was feasible in relation to the following key elements: technology, alignment/land use, and funding/governance. The AGS study used requests for statements of technology information (RFSOTI) and requests for statements of financial information (RFSOFI) to thoroughly engage the transit industry on technology and financing options, respectively, for the more challenging environs of the I-70 Mountain Corridor.

### **High Speed Transit Network Vision**

The two studies -- conducted concurrently by CDOT, a team of outside experts, and a combination of nearly 100 local government representatives -- confirmed high speed transit is technically feasible in both corridors, 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.



The studies envision a statewide system with up to 340 miles of high speed transit between Fort Collins and Pueblo and between Denver International Airport (DIA) and Eagle County. With travel speeds of 90 to 180 mph, the system could save about one-fourth to two-thirds from the time it takes to drive the same trips in optimal travel conditions today. The system is forecast to serve 18 to 19 million passengers a year in 2035 (4 to 6 million in the I-70 Mountain Corridor; 12 to 14 million along the Front Range).

Significant travel time savings are also expected. For example, a trip from C-470/I-70 in Golden to Breckenridge would take just over a half hour and travel to Vail would take 50 minutes. Along the Front Range, traveling from Fort Collins to DIA would take less than 40 minutes, and Colorado Springs to DIA would take less than an hour.

Preliminary capital cost estimates range from \$75 million per mile on the Front Range to \$105 million per mile in the Mountain Corridor, with an estimated \$30 billion price tag for the whole system (\$16.5B from DIA to Eagle; \$13.6B from Fort Collins to Pueblo).

Dividing the system into smaller, less-expensive segments that could be implemented in phases also has significant financing challenges. Input from the financial community leads CDOT to believe that a maximum of \$1 to \$3 billion could be obtained in private financing, leaving a capital-cost gap of billions of dollars. New local, state and federal funds would be needed to cover this shortfall.

Although slower-speed track may be a near-term phasing option to reduce start-up costs, the studies found slower-speed track/guideway (80-110 mph) was less cost effective (capital cost per rider basis) than high-speed track/guideway options. Due to growth in freight track utilization, Colorado does not expect to be able to share freight railroad tracks for any significant portion of the passenger rail network. Without availability to share freight tracks, costs for slower track/guideway and higher-speed track/guideway are within ten to twenty percent of each other. Higher-speed track/guideway delivers much greater benefit, and a significant difference in travel times compared to either slower track/guideway or bus in toll/express/managed lanes.

## **(E) North I-25 Commuter Rail Update**

The North I-25 EIS contains a commuter rail element. With the finding that freight railroads are unlikely to partner on an “eastern bypass”, and with several other changed conditions in the US 287 corridor between Fort Collins and Longmont, CDOT is undertaking an update of preferred alternative of the EIS for commuter rail. No changes are being made to the preferred alternative. The right-of-way assumptions, travel time and operating plan assumptions, and capital costs are merely being updated to reflect the changed conditions. The capital costs will reflect the changed conditions, be updated from 2009 dollars to current 2014 dollars, and be placed in the “standard cost category” format used by both the Federal Transit Administration (FTA) and Federal Railroad Administration (FRA) for grant application purposes.

## **(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.

## **(G) Amtrak Examination of Service in Colorado**

Amtrak is engaged in a number of activities in Colorado. Following is a summary:

### **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 2014.

### **Lamar Station**

CDOT awarded \$476,000 in FY 2012 State FASTER Transit funds to the City of Lamar to build a new station building adjacent to the historic train station. The historic station is occupied by the Chamber of Commerce and the Colorado Welcome Center and thus there is no room for an 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 passengers. After the FASTER award was made, the City chose to turn back the funds, primarily due to concerns about the ongoing costs to staff and maintain the facility. There currently is no waiting room for Amtrak passengers in Lamar, although Amtrak passengers board the train at the historic station location, and intercity bus companies stop at the McDonalds in town. Amtrak constructed a new ADA-compliant platform and installed lighting at this location in 2013.

### **La Junta Station**

CDOT awarded \$412,884 in FY 2011 FASTER Transit funds for station rehab and to construct an adjacent park and ride. CDOT required that the City of La Junta purchase the underlying property from BNSF Railroad. Since the purchase of land from the railroad is a lengthy process, CDOT determined that the project is not ready to go and thus pulled that construction award and replaced it with an \$85,000 award for station and park and ride design. This design work will better identify the required space for the park and ride and resulting project costs. BNSF has agreed in concept to sell the necessary land and an existing building which is proposed to be renovated and become the Amtrak/intercity bus station. The City is continuing talks with BNSF to purchase the property. Amtrak is intending to construct a new ADA-compliant platform and lighting at this location, budgeted for FY 2015.



## Trinidad Station

Amtrak constructed a new ADA-compliant platform and installed lighting at this location in 2013. As part of the I-25 viaduct reconstruction project done by CDOT Region 2, the Region constructed a new park and ride, with bus and car parking, adjacent to the location of the station building. To complete integration of transit services around this new platform, CDOT has awarded a total of \$750,000 in FTA and FASTER Transit funds (FY, 2010 – FY 2013) for the construction of a new multimodal station at this location. Amtrak and BNSF are also contributing \$20,000 each for this station project. This facility will house a waiting room, bathrooms, a ticket counter/office, and storage and be used by Amtrak, intercity bus, and local transit passengers. The City of Trinidad is in negotiations with BNSF to acquire the necessary property. A final Sale Agreement is expected to be signed in September, 2014 and construction may begin as early as the first quarter of 2015.

## Southwest Chief

Amtrak and the BNSF have expressed 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 traffic has 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 U.S. government to pay for the difference in track maintenance levels. BNSF has offered a re-route solution which would remove the Southwest Chief service from Colorado if no action is taken prior to the end of 2013. Southwest Chief service would still operate through parts of Kansas and New Mexico. “Action” to keep the Southwest Chief in Colorado is now 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 have been reported to be in conversations among Amtrak, BNSF, 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.

The three state DOT’s have signed a joint letter supporting the Amtrak service on the existing track, but indicating no current availability of funding. In 2012, the Colorado Legislature passed a resolution calling on upon the National Railroad Passenger Corporation to continue routing the Amtrak Southwest Chief through its current southeastern Colorado route.<sup>3</sup> The U.S. Congress continues to look at reauthorization of the 2008 Passenger Rail Investment and Improvement Act of 2008 (PRIIA), which currently funds Amtrak at \$1.2 Billion / year.

As noted earlier in this report, the Colorado Legislature created a Southwest Chief Commission. The Commission’s purpose is to coordinate and oversee efforts to preserve the Amtrak service.

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<sup>3</sup> Senate Joint Resolution, SJR 12-025.

## **(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 been made since. 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. CDOT was considered to possibly become the SSOA and considered to fill the funding gap resulting from the new ruling. 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.

## **(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 will establish performance measures and state DOTs will 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*, December 2012. CDOT’s Division of Transit and Rail (DTR) with other Divisions, and through the CDOT Transportation Commission, has continued the effort through the inclusion of measures in Policy Directive 14, which provides a framework for the statewide transportation planning process, and which will guide 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 below were identified 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, performance areas, and 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.

## (L) Statewide Transit Plan

In April 2013, DTR began development of CDOT's first Statewide Transit Plan. The Plan is required by state statute and will "identify local, interregional, and statewide transit and passenger rail needs and priorities." The Plan will create a vision and goals for transit in Colorado and provides strategic direction, policies, goals, 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 will integrate the local transit and coordinated human services plan for the 15 Colorado Transportation Planning Regions, 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 will then be integrated into the long-range Statewide Transportation Plan. The Statewide Transit Plan is anticipated to be adopted by the Colorado Transportation Commission in June December 2014.

*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

## (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 2014.

### Eligibility<sup>4</sup>

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 protective devices at crossings. The remainder of the funds apportionment can be used for any hazard elimination project, including protective 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

<sup>4</sup> Source: <http://safety.fhwa.dot.gov/xings/>

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 active Section 130 projects. During FY15 , nine additional projects will be initiated.

Project Number	Location	USDOT Crossing Number	Functional Classification	Project Type
16403	CR403 (Lime Rd) near Pueblo	245077R 748498T	Rural Local Road or Street	Active grade crossing equipment Installation/upgrade
17268	SH 52, Main St, Hudson	057209F	Rural Minor Arterial	Active grade crossing equipment Installation/upgrade
17294	Prowers County Road 22.5	003211G	Rural Local Road or Street	Active grade crossing equipment Installation/upgrade
17624	UPRR – 17 Road in Fruita, Mesa County	253793C	Urban Local Road or Street	Active grade crossing equipment Installation/upgrade
19243	Denver, W.13TH AVE& PECOS	253014G	Urban Minor Arterial	Active grade crossing equipment Installation/upgrade
19244	Florence, Frazier Ave S/O 2nd St	253168S	Rural Minor Collector	Active grade crossing equipment Installation/upgrade

### 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.

- 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 AADT
- The number and type of railroad tracks existing at the crossing



## **(M) Colorado Freight Plan**

In 2013 CDOT began development of the Colorado 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. The Plan will be completed in Late 2014. Using this new information, the Freight and Passenger Rail Plan and the Colorado Freight Plan will be updated in 2016 to ensure better integration between the various modes.

## **(N) Crude 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 Cassletion, 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.

## **(O) 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.



## 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.

The **third priority** is to monitor the status of the Fort Collins Branch line. While this line does not appear to be at risk of abandonment at this time, it is identified as a Rail Corridor of State Significance since it connects Greeley and Fort Collins to the North I-25 corridor.

