



## Agenda Memorandum

Agenda Item – 10.D.

City Council Meeting  
February 13, 2023



### **Strategic Priority 2: Proactive Public Safety**

Enhance public safety to emphasize both prevention and enforcement, engage the community through education and outreach and provide the resources necessary to ensure safety and well-being throughout Westminster. Enhance public safety to emphasize both prevention and enforcement, engage the community through education and outreach and provide the resources necessary to ensure safety and well-being throughout Westminster.



### **Strategic Priority 4: Quality of Life**

Ensure that Westminster offers a diverse range of amenities and activities for residents, businesses and visitors that honor the city's history and support the arts, parks, recreation, open spaces, and libraries.

**Subject:** Grade Crossing Construction and Maintenance Agreements with Burlington Northern/ Santa Fe Railway Company for the Westminster Quiet Zones Project

**Prepared By:** Aaron T. Kirchner, Senior Engineer

### **Recommended City Council Action:**

1. Authorize the City Manager to execute two grade crossing construction and maintenance agreements with Burlington Northern/Santa Fe Railway Company for the construction of railroad improvements necessary to establish quiet zones at Lowell Boulevard and Bradburn Boulevard.
2. Authorize a payment to Burlington Northern/Santa Fe Railway Company in the amount of \$855,889 for billable costs and fees as outlined in the agreements and authorize a contingency in the amount of \$85,000 for a total project cost not to exceed \$940,889.

### **Summary Statement:**

- The Westminster Quiet Zone Project (Project) involves the Burlington Northern/Santa Fe Railway Company (BNSF) crossings of Lowell Boulevard, West 72nd Avenue, and Bradburn Boulevard.
- All three crossings are located within one-quarter of a mile or less of each other. As such, the Federal Railroad Administration (FRA) requires all three crossings to be treated as a corridor and be established concurrently.

- In 2018, the City obtained a Transportation Improvement Program (TIP) grant from the Denver Regional Council of Governments (DRCOG) in the amount of \$800,000 to establish quiet zones within the City.
- The City is required to complete public and private improvements to establish the quiet zones. The public improvements include raised medians and curb islands in the roadway. The private improvements include all the railroad equipment such as crossing gates and flashers. The Grade Crossing Construction and Maintenance (GCCM) agreement with BNSF details the responsibilities and costs associated with the private improvements.
- In December 2022, BNSF offered to pay for a portion of the private improvements to help expedite the Project. By executing these two agreements now, the City will save between \$342,000 and \$410,000.
- The City is waiting on a decision from the FRA which will affect the crossing design at West 72nd Avenue. This decision could potentially reduce the improvement costs for the City. The West 72nd Avenue GCCM agreement will be presented to City Council at a future date for consideration.

**Fiscal Impact:**

\$940,889 in expenditures

**Source of Funds:**

General Capital Improvement Funds – Q Zone at 72nd/Lowell/Bradburn

**Policy Issue(s):**

Should City Council authorize the City Manager to enter into two GCCM agreements with BNSF for the construction of private improvements required for the establishment of railroad quiet zones at Lowell Boulevard and Bradburn Boulevard?

**Alternative(s):**

1. City Council could choose to not move forward with executing the GCCM agreements with BNSF effectively ending the Project in Historic Westminster. Staff does not recommend this alternative because choosing to not move forward with this project will mean the City does not receive the \$800,000 TIP grant that was awarded, and this could potentially affect the City's grant opportunities with DRCOG in the future. This would also negatively impact the community members who are anticipating the establishment of the quiet zones.
2. City Council could choose to wait to execute the GCCM agreements until all three agreements are presented for authorization. Staff does not recommend this alternative because the City would forego between \$342,000 and \$410,000 in project savings for all three crossings based on BNSF's proposal to expedite the project.

## **Background Information:**

In 2018, DRCOG awarded the City \$800,000 to use for quiet zone implementation. These funds will be used to make improvements to the railroad crossings at Lowell Boulevard, West 72nd Avenue, and Bradburn Boulevard. These crossings are located within one-quarter of a mile or less of each other. Therefore, the FRA requires all three crossings to be treated as a corridor and constructed concurrently.

Under current safety regulations, train operators are required to sound horns to warn the traveling public every time trains approach an at-grade street crossing. From 2013 to 2022, the number of Westminster train crossings varied between six and 16 daily trips accounting for a minimum of 18 to 48 train horns every 24-hours at these three crossings alone. Typically, one-half of those train horns occur between the hours of 6:00 pm and 6:00 am. Once quiet zones are established, the railroad will be required to cease the use of train horns at these crossings except under emergency situations.

The implementation of quiet zones is a complex approval process that requires FRA and Colorado Public Utilities Commission (PUC) approvals as well as an agreement between the local agency and the railroad. Quiet zones are established by meeting specific safety requirements. Generally, there are two key components to quiet zones: 1) Road Authority (public) safety measures and 2) Railroad Authority (private) safety measures. For this Project, the City is the road authority and BNSF is the railroad authority.


Public safety measures are permanent features that reasonably prohibit vehicles from crossing the tracks when the railroad safety gates are down. Typically, this includes raised medians and curb islands. Private equipment upgrades are often necessary to compliment the public improvements and ensure that the safety gates prohibit the traveling public from entering the tracks when a train is approaching.

The GCCM is an agreement between the local agency and the railroad entity to complete the necessary private safety measures. Two of these agreements are presented in this agenda memo: Lowell Boulevard and Bradburn Boulevard. The initial cost to the City for these two crossings ranged from \$1,050,000 to \$1,260,000. In December 2022, BNSF offered to pay for a share of the private improvements to help expedite the Project. By executing these two agreements now, the City will save between \$210,000 and \$252,000 off these two crossings. The additional potential savings of between \$132,000 and \$158,000 will be for the West 72nd Avenue crossing, and these savings will be better defined when City Council is requested to approve a similar agreement for the West 72nd Avenue crossing in the future.

The City is waiting on a decision from the FRA which will affect the design of the crossing at West 72nd Avenue. The FRA will decide whether a two-gate or four-gate design is acceptable to establish a quiet zone at this location. The Project is currently budgeted for a four-gate design; therefore, this decision could have significant cost savings implications to the overall Project. For this reason, the West 72nd Avenue GCCM agreement is not included at this time. The West 72nd Avenue GCCM agreement will be presented to City Council at a future date for consideration. In addition, there will be a presentation of the construction contract to City Council for the public improvements. This is currently planned to occur later in 2023.

The City's Strategic Plan priority of Proactive Public Safety is met by constructing safety improvements that Staff believes will improve the safety at these crossings for the community. The City's Strategic Plan priority of Quality of Life is also being met by improving the visual aesthetic at these locations as well as silencing train horns in an area of the city that experiences a higher concentration of noise pollution than is experienced in any other location throughout the city.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Mark A Freitag". The signature is written in a cursive, flowing style.

Mark A. Freitag  
City Manager

**Attachments:**

Grade Crossing Construction and Maintenance Agreement for Lowell Boulevard  
Grade Crossing Construction and Maintenance Agreement for Bradburn Boulevard  
Attachment 1 - Vicinity Map