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**COLORADO  
PLANNING WORK STATEMENT  
FOR  
DEVELOPMENT OF A  
STATEWIDE RAIL PLAN  
AND  
APPLICATION FOR PLANNING  
ASSISTANCE**

**DECEMBER 20, 1976**

**Submitted by Colorado Department of  
Highways pursuant to Section 803  
of the Railroad Revitalization & Regulatory  
Reform Act of 1976, & 49 CFR Part 266.9**

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# STATE DEPARTMENT OF HIGHWAYS

JACK KINSTLINGER

EXECUTIVE DIRECTOR



STATE OF COLORADO

DIVISION OF HIGHWAYS  
E. N. HAASE  
CHIEF ENGINEER

COLORADO STATE PATROL  
COL. C. WAYNE KEITH,  
CHIEF

4201 EAST ARKANSAS AVENUE • DENVER, COLORADO 80222 • (303) 757-9011

December 20, 1976

Asaph H. Hall, Administrator  
Federal Railroad Administration  
Department of Transportation  
Washington, D.C. 20590

Dear Mr. Hall:

Colorado welcomes the opportunities afforded by the Railroad Revitalization and Regulatory Reform Act (4-R) of 1976 to receive financial assistance for the development of a statewide rail plan as a part of our multi-modal transportation planning efforts. We recognize the railroad industry as a viable and necessary mode of transportation, especially as it relates to the movements of energy-related resources.

Pursuant to the 4-R Act of 1976 and applicable federal regulations, Governor Richard D. Lamm did on July 15, 1976 and October 21, 1976, designate the Colorado Department of Highways as the State agency to develop Colorado's State Rail Plan. I was designated as the contact person for this effort.

The State of Colorado, Department of Highways, is requesting federal planning assistance funds available for FY 1976 and FY 1977 in the amount of \$100,000. We will be requesting additional funds as they become available. Attached are the various documents required in the application package.

If you have any questions on these materials, please contact me (303-757-9201) or Mr. John Dolan of my staff (303-757-9261).

Very truly yours,

  
JACK KINSTLINGER  
Executive Director

JJD/cvs



# State of Colorado

EXECUTIVE CHAMBERS

DENVER

RICHARD D. LAMM  
Governor

October 21, 1976

Mr. Asaph H. Hall, Administrator  
Federal Railroad Administration  
Department of Transportation  
Washington, DC 20590

Dear Mr. Hall:

The Interstate Commerce Commission wrote to me on March 16, 1976, regarding passage of the Railroad Revitalization and Regulatory Reform Act of 1976, and the provisions which modify the Interstate Commerce Commission's handling of railroad abandonment applications. The ICC also requested the name of the official who will have the responsibility in Colorado. I responded to the ICC letter on May 5, 1976, and named Mr. Lloyd Espinosa, Chief of Transportation, Public Utilities Commission.

You wrote to me on June 9, 1976, discussing the same Act. It was pointed out that Section 803(j) of the Act required the designation of a State agency to develop a State Rail Plan and to administer or coordinate provisions of such plan after its development. I responded to that letter on July 15, 1976, by designating the Colorado Department of Highways to be the State agency and Mr. Jack Kinstlinger, Executive Director, Colorado Department of Highways, as the Colorado contact person for Federal Railroad Administration communications.

The various requirements of the Railroad Revitalization and Regulatory Reform Act of 1976 require that rail-related activities of the Department of Highways be closely coordinated with those of the Colorado Public Utilities Commission. Therefore, I am modifying my prior designations in my letter to the ICC on May 5 and my letter to you on July 15th as follows:

The Colorado Department of Highways will be the State agency to develop Colorado's State Rail Plan and the contact person for this effort will be Mr. Jack Kinstlinger, Executive Director. This effort will be closely coordinated with the Colorado Public Utilities Commission.

Insofar as responsibility for receipt and disbursement of subsidy payments and administering other findings and recommendations of the Statewide Rail Plan and of the Public Law 94-210 is concerned, we will withhold designation of responsibility pending the findings and recommendations of the State Rail Plan. The Colorado Public Utilities Commission will, of course, continue to have regulatory

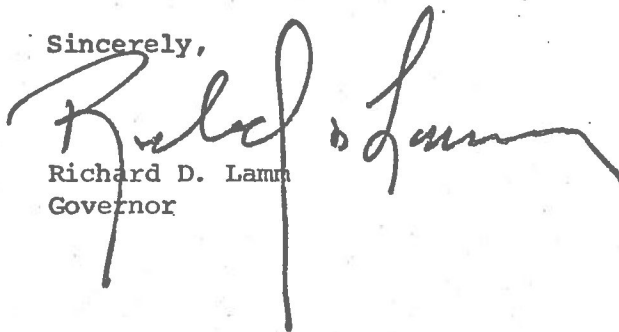
Mr. Asaph H. Hall

Page Two

October 21, 1976

authority over railroads and other transportation modes in Colorado, and the state official who has responsibility for the transportation program of the Public Utilities Commission is Mr. Lloyd Espinosa, Chief of Transportation of the PUC.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard D. Lamm". The signature is written in a cursive style with a large, looping initial "R".

Richard D. Lamm  
Governor

**PLANNING WORK STATEMENT  
FOR  
DEVELOPMENT OF A  
STATEWIDE RAIL PLAN**

PLANNING WORK STATEMENT  
FOR  
DEVELOPMENT OF A  
STATEWIDE RAIL PLAN  
FOR  
COLORADO

December 20, 1976

## I. PHILOSOPHICAL FRAMEWORK

The Colorado Department of Highways has been designated as the state agency to develop a statewide rail plan. The Department has previously been charged with the responsibility for overall transportation planning within Colorado. The Department's organizational structures, planning procedures and action programs are in keeping with the scope of those responsibilities. Broad public involvement and cooperative planning with local governmental and private organizations, as well as the general public, are well established policies of the Department.

The rail plan for the State of Colorado will be integrated with other elements of a statewide transportation plan.

Transportation planning goals which have been identified for the State of Colorado will provide the framework within which the State Rail Plan will be developed. These goals are:

1. To provide for the economic development of the state as a whole by supplying an adequate and balanced transportation infrastructure;
2. To provide a transportation system which will promote state land use and developmental policies;
3. To minimize transportation costs and maximize benefits, including economic, social and environmental effects;
4. To provide a broad framework with which regional, metropolitan and local transportation plans can be related;
5. To implement National Transportation Policy as developed through federal legislation through actions related to the state's transportation needs.

A primary goal in the Colorado Rail Plan is to:

Maintain a railroad system which is flexible and responsive to changing shipper and traveller requirements, and to new development opportunities, through competition, regulations, preservation of existing rights-of-way, and other means as appropriate.

This philosophy puts Colorado in a position of opposing indiscriminate rail mergers because a merger defeats competition. Colorado's position is that in a corridor of



excess capacity, the several affected railroads could each be profitable, given a rehabilitated physical plant, and that collectively they would have higher revenues and earnings than a merger alternative. Furthermore, consolidation of mainlines may lead to circuitry of traffic, resulting in poorer rail service, higher operating cost and higher energy consumption.

*Colorado* recognizes the importance of a viable rail transportation system, both passenger and freight, to the economic, social, and environmental welfare of its citizens. Rail service will play an increasingly important future role in Colorado as part of an integrated, energy efficient and environmentally acceptable statewide transportation system. A greatly increased demand for western coal to meet national energy needs will in turn create a significant increase in the need for rail freight service within and through Colorado. The Department initiated a study earlier this year to develop reliable near-term estimates of the magnitude of coal train traffic, to determine existing conditions along rail corridors, to evaluate the feasibility and suitability of existing alternative rail routes, and to identify attendant environmental, social and economic impacts related to rail transportation of coal. The Coal Train Assessment Study provides an overview of energy related rail service demand and provides a basis for identifying key elements of the statewide rail system. The statewide rail plan will also address future rail passenger service requirements among Colorado cities, with emphasis on maintenance of existing service and expansion of rail passenger service in relation to existing and future transportation needs.

The basic overall philosophy is to maintain essential rail system and services for the benefit of the public they serve. The approach will be to pursue that philosophy through cooperative efforts, negotiation, responsible support and sound, responsive planning. The program developed for rail planning combines State technical expertise with public concern and interests.

This is the philosophical framework which the State will use to guide the development of the plan. Furthermore, the State believes that solutions to potential rail problems must be coordinated at the statewide level. Application of the goals and philosophy outlined in this planning work statement will assure an equitable distribution of available public financial assistance within the state.

## II. GOVERNMENTAL COORDINATION AND PUBLIC INVOLVEMENT

The statewide rail planning process must include the means whereby all affected interest groups can express their respective viewpoints and have them reflected in the plan development. Involvement techniques should provide these groups with an opportunity to develop an understanding of the planning process and the issues involved in sufficient depth to allow a mutual understanding of each group's roles and concerns with respect to rail-related issues.

The study program for Colorado will establish the three committees shown in Table B - Proposed Rail Planning Process Committees. These committees provide for governmental coordination and public involvement. A policy committee will be established which will have broad governmental representation at the state, regional and local levels. This committee will provide guidance on existing policies and serve to develop new policy, as required, related to rail planning needs. The committee includes the Statewide Policy Advisory Committee which is responsible for all transportation modes in Colorado. A public advisory committee will be formed to include such groups as rail carriers, rail users, the trucking industry, labor unions, and other general public and interest groups. This committee would serve to communicate the special viewpoints of each group to the policy committee and the planning staff. A technical advisory committee will be formed from the planning staff of involved state and regional governmental agencies and railroads. This committee will address data development and provide technical assistance as required for its respective organization. A subcommittee to the technical advisory committee, which will include representatives from each railroad serving Colorado, will serve to provide additional input to the technical advisory committee.

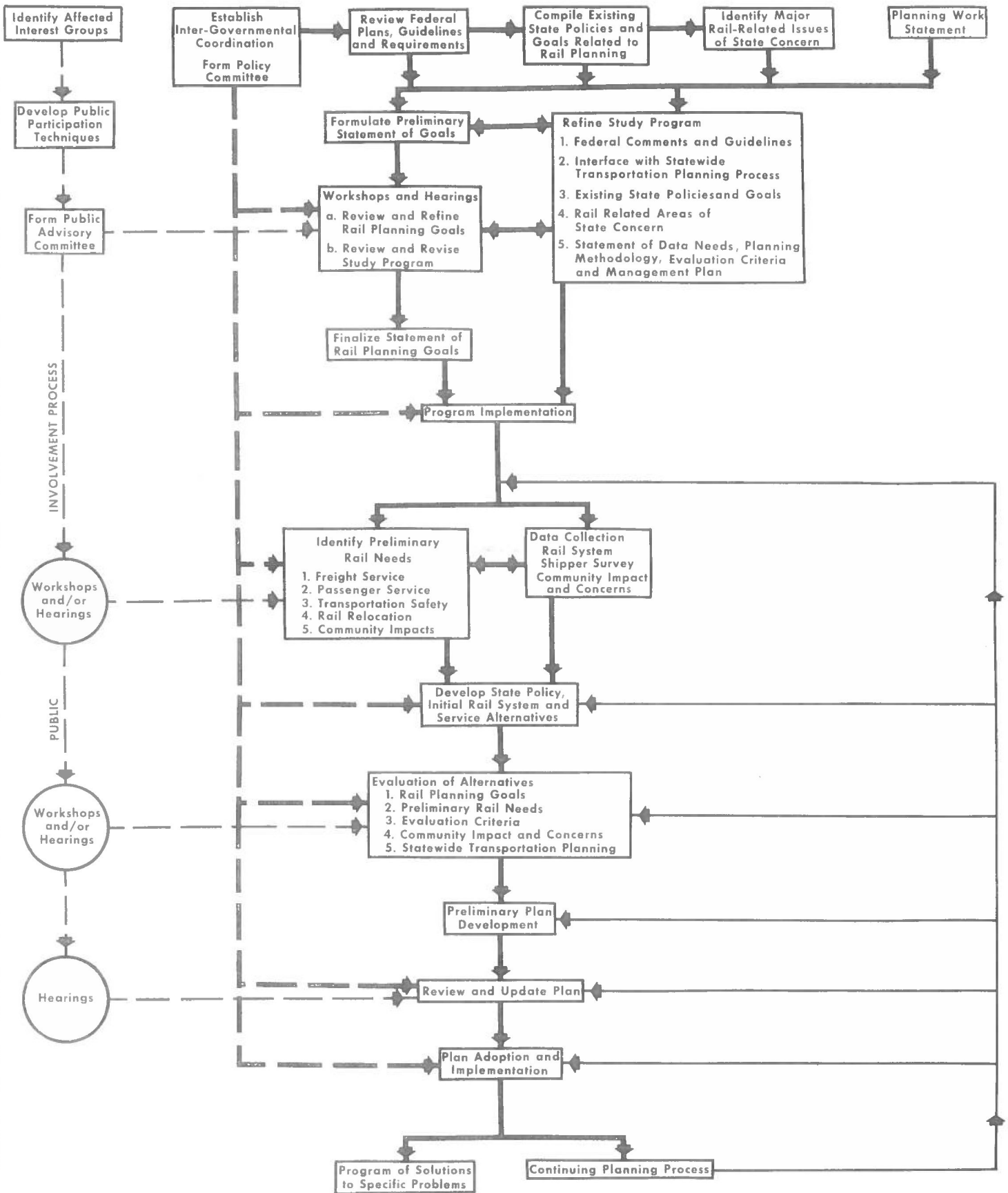
The relationships among various study plan elements and activities are shown in Figure 1 - Statewide Rail Planning Process. The tasks are shown in a generally sequential order; however, the flow chart should not be interpreted as showing exact time relationships. Similarly, only the primary flow lines are shown, since a diagram showing every line of information flow between elements would be very

complex and difficult to use. The relationship of the policy and public advisory committees is shown along the left of the figure.

The participatory interfaces have been developed, through a series of workshops and hearings, for the critical stages of the study process, including development of plan goals, identification of rail needs, evaluation of alternatives, review of preliminary plan and plan adoption.

Figure 1

# STATEWIDE RAIL PLANNING PROCESS



In the Rail Plan development rail lines that may be in danger of abandonment will be classified

- in priority for subsidization based upon:
- (1) lines that have potential economic viability;
  - (2) lines that serve a social need;
  - (3) lines that warrant transition assistance.

The State is in total agreement with the goals of the RRRR Act, especially those pertaining to: (1) the rail transportation needs and service requirements of the region; (2) preservation of lines which are energy efficient or transport energy resources; (3) attainment and maintenance of environmental standards; (4) minimizing job losses and associated increases in unemployment; and (5) preservation of service patterns and retention or promotion of competition. It is the State's objective to remedy or forestall the consequences of abandonment of these essential lines and will seek provisions to allow for financial assistance. ←

The traditional Interstate Commerce Commission rail service abandonment procedure has eliminated most of the unprofitable and non-essential branch lines in Colorado. From preliminary investigation, however, the State believes that there are some 14 branch lines and Class II railroads encompassing about 430 miles in Colorado which could be uneconomic or marginal, since certain lines: (1) serve few clients and/or generate few ton-miles; (2) are directly duplicating parallel rail services; or (3) are, and have been for some time, under-utilized due to deteriorated conditions. In some cases, lines cannot be abandoned without provisions for the systematic transition to alternative rail services or transportation modes. The State's objective, therefore, is to facilitate the transition of these lines and believes that financial investment is warranted for this purpose; i.e., service is to be maintained while alternate transportation arrangements are made. ←

Placing lines in three categories first involves an evaluation of the economic viability of the lines. If the line has economic potential, the state may become involved. Such involvement could include a negotiated solution for purchasing and rehabilitating the line and leasing it back to a railroad or industry for operation; rehabilitation often reduces operating costs and eliminates operating losses. If the line ←

has no economic potential, it should be considered under the second priority category. This category would involve comparison of the social cost consequences of abandonment with the cost of state involvement to determine which lines the state should assist as a matter of social necessity. Finally, the remaining lines should be evaluated to determine if some form of transition assistance should be offered before a line is abandoned. In general, a proposed State policy will be to fund all lines within one category before funding lines in a lower category. Moreover, funding of these categories, either partially or fully, would be pursued only to the degree that adequate State, local or private funds could be made available for matching shares.



The problem of branch lines not being able to cover their operating expenses is one of the difficulties in adjusting branch line services and operations to changed and changing market conditions and not that the services are hopelessly unprofitable. The State proposes to remedy this problem not by merely facilitating or transitioning to abandonment, but by directing management attention to solve the problems which are impairing the financial success of these services. To accomplish this objective, the State will use the negotiated solution program as the mechanism for closing the gap between operating costs and revenues. This negotiated program would be based on formal commitments by: (1) shippers - to increase traffic or pay higher freight charges; and/or (2) labor - to reduce crew requirements and restrictive operations; and/or (3) the State - to pay for appropriate rehabilitation expenses, so that service can be provided efficiently and profitably; and (4) railroads - to guarantee agreed-upon levels of service and maintenance. The State will use the negotiated solution program to provide incentives for all parties to work toward rejuvenation of deficit - yet essential - branch lines into profitable entities.

#### IV. STUDY METHODS

This section presents a preliminary study program for development of a State Rail Plan for Colorado and discussion of its major elements. The study plan presented is based upon requirements, guidelines and methodology established for rail planning under the 4R Act of 1976. The scope of the work presented also addresses many issues of particular concern beyond determination of the economic viability of the rail system in Colorado. The study program will extend in scope from recommendations for an administrative structure to development of specific projects designed to provide rail service assistance as required and to improve transportation safety, and reduce energy utilization and rail-related community impacts. A study program which fully delineates data requirements, methodology, evaluation criteria and a study management plan is required to assure the overall effectiveness of the planning process.

Establishment of an effective organizational structure for the administration of the rail planning process is crucial to the development of a meaningful plan. The study must provide clear definition of goals for rail planning in the context of the overall state interest in maintaining and/or enhancing the social and economic well-being of its citizens in both the near term and long-range planning time frames.

The development of a rail plan for the State of Colorado will involve acquisition, compilation and analysis of a broad range of data, identification of rail needs, translation of those needs into realistic policy, rail system and rail service alternatives, evaluation of those alternatives, formulation and review of a preliminary plan, and adoption and implementation of a selected plan.

##### Element I Administrative and Organization Structure

The administrative and organizational structure for this study program has been outlined in Section II, Governmental Coordination and Public Involvement.

## Element 2 - Development and Refinement of Background Information

A significant level of effort will be required initially to compile and summarize existing background information. A careful review of Federal plans, guidelines and requirements will be necessary to finalize the structure of the rail planning process. Existing policies and goals of various state agencies will be compiled to provide a basis for formulating a preliminary statement of goals. Rail-related issues of state concern will be identified and translated into goal statements. Constitutional and other legal constraints to implementation of rail assistance programs will be identified.

The Federal responses to and comments on the planning work statement contained in the application for funding will be evaluated and incorporated into the study program.

## Element 3 - Rail Planning Goals

A preliminary statement of goals will be developed based upon outputs from Element 2. The preliminary statement of goals will serve as a means to generate discussion in a review process designed to develop a concise statement of rail planning goals and objectives. A series of workshops or round table discussions will be held in turn with the technical advisory committee, the public advisory committee, and the policy committee, to accomplish the goal setting task. A final statement of rail planning goals will be the end product of this element.

## Element 4 - Refine Study Program

The planning work statement submitted as part of the application for funding will be reviewed and revised to respond to Federal guidelines and comments. The study program will be responsive to the state rail planning goals and objectives identified in Element 3, and will include any rail-related areas of state concern identified subsequent to the preliminary study plan. An appropriate interface with the statewide multi-modal transportation planning process will be developed. The recommended study program will be reviewed with the Technical Advisory Committee prior to discussion and review by the Policy Committee. The end



product will state, in a precise manner, data requirements and sources, planning methodology, evaluation criteria and techniques, and a management plan encompassing task specifications, schedule and budget. The refined study program will be submitted for review and advice to the Policy Committee prior to final adoption.

#### Element 5 - Data Collection

A data base for the study will be developed to include the rail system, rail users and community impacts and concerns.

##### a. Rail system

Information pertaining to railroad operations, physical condition, operating cost and revenues will be collected and compiled.

A detailed discussion of data requirements is presented in section V of this planning work statement.

Data concerning railroad geometric constraints and operating policies has been obtained for selected railroads during the Coal Train Study. These data would be supplemented by acquiring similar information for all main lines and branches.

##### b. Rail Users

Information will be collected concerning historical trends for both rail freight and passenger service within Colorado. Survey research techniques will be used to measure demand potential for passenger service.

A survey of shipper needs will be conducted to provide a qualitative analysis of present service and to provide necessary data for lines identified as potentially economically marginal or subject to abandonment.

Existing passenger service and demand for both Amtrak and the Denver and Rio Grande Western Railroad within Colorado will be evaluated. In addition, a survey will be designed to provide a basis for projection of future demand for

passenger service based upon user preferences and travel system attributes, including speed, cost, frequency, etc.

c. Community Impacts and Concerns

The disruptive effects of rail operations upon communities within Colorado for either loss of rail service or significant increase in rail traffic will be investigated. Areas of particular concern identified by local and regional planning units will be compiled and analyzed. Considerable pertinent information has been collected for the front range area during the Coal Train Study. This data base will be expanded statewide. It is suggested that coordination of this data collection be done at the Planning Region level to minimize costs.

Element 6 - Identify Preliminary Rail Needs

This task involves development of an initial statement of needs based upon an analysis of rail-related issues and the statement of rail planning goals. Items to be addressed include desired levels of passenger and freight service and service characteristics, transportation safety, urban rail relocation, and economic, social, environmental and energy-related impacts.

Branch lines will be screened and analyzed with respect to their profitability potential and their viability with regard to continuance under a negotiated solution. Lines of the first (highest priority) category will thereby be identified.

Remaining lines will then be fully evaluated with respect to their social need and possible public cost. Since several of the criteria cited earlier and most of the political input cannot be measured quantitatively, some subject reasoning and assumptions will be necessary in order to produce a decision table. Lines of the second category will be identified through this type of decision process.

All other eligible lines fall in the third (lowest priority) category.

#### Element 7 - Develop State Policy, Initial Rail System and Service Alternatives

Policy alternatives will be developed to include consideration of various conflicting viewpoints of interested parties, mergers and consolidations, system efficiency, state and regional development and interstate relationships.

Rail system and service alternatives for both passenger and freight will be detailed for subsequent analysis and evaluation.

#### Element 8 - Evaluation of Alternatives

A systematic analysis of the alternatives will be made. The comparison will include consideration of the relationship of each affected interest with each major factor identified for each alternative. The evaluation process will include comparisons of alternatives with rail planning goals, preliminary rail needs, the statewide transportation planning process, the identified evaluation criteria (both quantitative and qualitative) and community impacts and concerns. Inputs from both the Policy Committee and the Public Advisory Committee will be obtained through a workshop or hearing process.

#### Element 9 - Preliminary Plan Development

A preliminary rail plan will be developed based upon the results of the Evaluation of Alternatives task. The preliminary plan will document the procedures employed and delineate the recommended system and services. It will identify funding sources and rail service assistance requirements, and will specify which agency at the state level will administer the financial assistance program, and how the program will be administered. A statement of the objectives of the plan also will be developed.

#### Element 10 - Review and Update Plan

Review and comment on the preliminary plan by affected interests, both governmental and private, will be sought to determine how well the plan meets the rail planning goals. The plan will be updated or modified based upon the review.

### Element 11 - Plan Adoption

Upon completion of the modifications to the plan stemming from the review process, the plan would be then formally adopted by the Policy Committee and submitted to the Governor, who would certify the plan and submit it to the Federal Railroad Administration.

### Element 12 - Continuing Planning Process and Implementation

The dynamic nature of our society and economic system requires planning functions which can respond to changes in conditions, goals and policy. The planning process established for Colorado recognizes the need for updating, revising and amending the State Rail Plan.

### Element 13 - Program of Solutions to Specific Problems

An improvement program would be developed which would provide recommended solutions to specific problem areas identified during the planning process. A prioritized program would be developed based upon measures of need, and identification of sources and availability of funding. Types of site specific problems would include transportation safety, urban rail relocations, and amelioration of economic, social, environmental and energy-related impacts.

## V. DATA REQUIREMENTS

In order to evaluate the profitability potential of rail services and the economic, social and environmental impacts on communities resulting from reduction or elimination of existing rail services, an adequate data base must be developed. The cost of data development will be minimized through use of screening techniques. Preliminary screening of lines and services will be made following the basic techniques outlined in the USRA publication, "Viability of Light-Density Rail Lines", March 1976.

Following the initial screening process, a more detailed data base will be developed for those lines or branches which are found to be economically marginal. The system diagrams of lines, to be developed by the railroads and to be published by May, 1977, will also be analyzed when available.

Basic data is expected to be provided by each of the railroads serving Colorado, to include track charts, system map, signal chart, density chart, freight train schedule, and operating time table. This information will provide an overview of railway operations in the state.

Under the requirements of the Act of 1976, the carriers will be filing cost and revenue information with the ICC, in addition to the older requirements for annual reports. This new branch line accounting data would be used when available to determine the level of assistance required for a branch line subject to abandonment. Prior to the availability of the Branch Line Accounting System data, we would request pertinent available information from the carriers, along with their Annual Reports (Form R-1 or Form C).

In addition to formal applications for abandonments, the carriers are required to file information on branch lines or segments potentially subject to abandonment. We would request copies of this information so that the State Rail Plan may contain recommendations or programs that might improve, where practical, the economic viability of a branch through industrial or agricultural investment and development.

Other data required on specific lines under study would include:

1. Physical Condition Data.
  - a) Narrative covering mileage of line, general state of maintenance
  - b) Present load limit
  - c) Number of grade crossings and type
  - d) Number of bridges and number of spans by type, general condition
  - e) Unusual conditions
  
2. Rehabilitation Costs Data
  - a) Cost to upgrade line segments to requested FRA class
  - b) Minimum maintenance of way expense per mile to ensure maintenance of line at requested FRA class
  - c) Estimated net salvage
  - d) Appropriate additives
  
3. Traffic Data
  - a) Summarized traffic by class
  - b) Cars and revenue by line
  - c) Commodity mix
  - d) Total tons per mile
  - e) Total revenue per station
  
4. Operations Data
  - a) General class and horsepower of locomotive
  - b) Frequency of operations
  - c) Base of operations
  - d) Number of crewmen

Railroads are restricted by the Interstate Commerce Act in their freedom to disseminate data because it contains information about the operations of the railroad's customers that, if bandied about, could be harmful to them. The State of Colorado recognizes the present limitations for data availability; however, there exists a need for adequate information upon which rational decisions can be made

regarding rail transport policy. The State of Colorado will be affected by the eventual disposition of the Chicago, Rock Island and Pacific bankruptcy case. The State's interest in this and any other merger and/or consolidation action requires a detailed understanding of through freight movements, as well as shipments originating and/or terminating in Colorado.

The railroad can be expected to make a charge for producing these data. Therefore, it appears best to request a copy of the data for the stations and junctions of interest. We would provide special programming to draw off the needed information in a common format for all railroads. The state will develop agreements with the railroads to protect the confidentiality of proprietary information.

## VI. MANAGEMENT PLAN

Figure 2 shows a projected schedule by study task. The initial state rail plan would be completed within a 12-month time frame while improvement programs and continuing planning functions would extend beyond the 12-month period.

The project budget by study task is shown in Table A. It reflects the attendant costs necessary to investigate a wide range of rail-related transportation concerns and issues in the State of Colorado. While this budget is based upon indicated needs, the work program has been developed within realistic time and budget constraints.





TABLE A  
STATEWIDE RAIL PLAN  
PROJECT BUDGET

1. Administrative and Organizational Structure	\$ 10,500
2. Development & Refinement of Background Information	4,500
3. Rail Planning Goals	5,000
4. Refine Study Program	3,400
	\$ 23,400
1. Data Collection	\$ 56,200
2. Identify Preliminary Rail Needs	23,500
3. Develop State Policy, Initial Rail System and Service Alternatives	24,900
4. Evaluation of Alternatives	22,800
5. Preliminary Plan Development	17,100
6. Review and Update Plan	8,100
	\$152,600
1. Program of Solutions to Specific Problems	\$ 19,900
2. Continuing Planning Process and Implementation	59,500
	\$ 79,400
Direct Costs	33,100
TOTAL COSTS	\$288,500

TABLE B  
PROPOSED RAIL PLANNING PROCESS COMMITTEES

Policy Committee (Meet every two months)

Statewide Policy Advisory Committee (See Table C)  
Public Utilities Commission  
Legislative Representative from each transportation committee (House and Senate)  
Colorado Municipal League  
Colorado Counties, Inc.  
Representative from Railroads

Public Advisory Committee (Meet every two months)

Each Railroad Serving Colorado  
Transportation Unions  
Colorado Motor Carriers  
Federal Agencies - EPA, FHWA, FRA, UMTA  
Users Group - Colorado Ass'n of Commerce and Industry  
League of Women Voters  
Any Regional Citizen Advisory Committees  
Interested State Highway Commission members  
Colorado Open Space Council  
Colorado Department of Agriculture  
Agricultural Unions and groups (Granges)  
Federation of Rocky Mountain States

Technical Advisory Committee (Meet monthly)

Regional Councils of Government  
Colorado Department of Highways  
Colorado Public Utilities Commission  
Colorado Department of Local Affairs  
Denver Area Regional Transportation District  
Colorado Department of Natural Resources  
Representative from Railroads

Technical Advisory Sub-Committee

Each Railroad Serving Colorado  
Colorado Department of Highways  
Colorado Public Utilities Commission  
Colorado Department of Local Affairs

TABLE C

STATEWIDE POLICY ADVISORY COMMITTEE

Executive Director  
Department of Highways

Chairman  
State Highway Commission

Executive Director  
Department of Local Affairs

Executive Director  
Department of Natural Resources

Chairman  
Regional Transportation District

Chairman  
Northeastern Colorado Council of Governments

Chairman  
Larimer-Weld Council of Governments

Chairman  
Denver Regional Council of Governments

Chairman  
Pikes Peak Area Council of Governments

Chairman  
District 10 Regional Planning Commission

Chairman  
Colorado West Area Council of Governments

Chairman  
Northwest Colorado Council of Governments

Chairman  
Upper Arkansas Area Council of Governments

Chairman  
East Central Council of Governments

Chairman  
Lower Arkansas Valley Council of Governments

TABLE C (Continued)

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Chairman  
Pueblo Area Council of Governments

Chairman  
Huerfano-Las Animas Council of Governments

Chairman  
San Luis Valley Council of Governments

Chairman  
San Juan Basin Regional Planning Commission

**APPLICATION FOR PLANNING  
ASSISTANCE**

<b>FEDERAL ASSISTANCE</b>		<b>2. APPLICANT'S APPLICATION</b>	<b>a. NUMBER</b> 44-30-00	<b>3. STATE APPLICATION IDENTIFIER</b>	<b>a. NUMBER</b> 76-280000-104	
<b>1. TYPE OF ACTION</b> <input type="checkbox"/> PREAPPLICATION <input checked="" type="checkbox"/> APPLICATION <input checked="" type="checkbox"/> NOTIFICATION OF INTENT (Opt.) <input type="checkbox"/> REPORT OF FEDERAL ACTION <small>(Mark appropriate box)</small>		<b>b. DATE</b> Year month day 19 76 12 20	<b>Leave Blank</b>			<b>b. DATE ASSIGNED</b> Year month day 19 76 8 24
<b>4. LEGAL APPLICANT/RECIPIENT</b> a. Applicant Name : State of Colorado b. Organization Unit : Department of Highways c. Street/P.O. Box : 4201 E. Arkansas Ave. d. City : Denver e. County : Denver f. State : Colorado g. ZIP Code: 80222 h. Contact Person (Name & telephone No.) : Jack Kinstlinger 303-757-9201				<b>5. FEDERAL EMPLOYER IDENTIFICATION NO.</b> 84-6000-481W  <b>6. PROGRAM</b> (From Federal Catalog) a. NUMBER 20 • 3999 b. TITLE Public Law 94.210		
<b>7. TITLE AND DESCRIPTION OF APPLICANT'S PROJECT</b> Development of a Statewide Rail Plan for Colorado - as shown on attached Planning Work Statement.				<b>8. TYPE OF APPLICANT/RECIPIENT</b> A-State H-Community Action Agency B-Interstate I-Higher Educational Institution C-Substate District J-Indian Tribe D-County K-Other (Specify): E-City F-School District G-Special Purpose District Enter appropriate letter <input type="checkbox"/> A		
<b>10. AREA OF PROJECT IMPACT</b> (Names of cities, counties, States, etc.) State of Colorado				<b>9. TYPE OF ASSISTANCE</b> A-Basic Grant D-Insurance B-Supplemental Grant E-Other C-Loan Enter appropriate letter(s) <input type="checkbox"/> A		
<b>13. PROPOSED FUNDING</b> a. FEDERAL \$ 100,000 .00 b. APPLICANT .00 c. STATE .00 d. LOCAL .00 e. OTHER .00 f. TOTAL \$ 100,000 .00		<b>14. CONGRESSIONAL DISTRICTS OF:</b> a. APPLICANT Colo. 1-5 b. PROJECT Colo. 1-5		<b>12. TYPE OF APPLICATION</b> A-New C-Revision E-Augmentation B-Renewal D-Continuation Enter appropriate letter <input type="checkbox"/> A		
<b>16. PROJECT START DATE</b> Year month day 1976 9 1		<b>17. PROJECT DURATION</b> 36 Months		<b>15. TYPE OF CHANGE</b> (For 18c or 18e) A-Increase Dollars F-Other (Specify): B-Decrease Dollars C-Increase Duration D-Decrease Duration E-Cancellation Enter appropriate letter(s) <input type="checkbox"/>		
<b>20. FEDERAL AGENCY TO RECEIVE REQUEST</b> (Name, City, State, ZIP code) Federal Rail Administration - Washington, D.C. 20590				<b>18. ESTIMATED DATE TO BE SUBMITTED TO FEDERAL AGENCY</b> Year month day 1976 12 20		
<b>22. THE APPLICANT CERTIFIES THAT</b> a. To the best of my knowledge and belief, data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is approved. b. If required by OMB Circular A-95 this application was submitted, pursuant to instructions therein, to appropriate clearinghouses and all responses are attached: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (1) Colorado State Planning & Budgeting <input type="checkbox"/> <input type="checkbox"/> (2) See Section IV <input type="checkbox"/> <input type="checkbox"/> (3) <input type="checkbox"/> <input type="checkbox"/>				<b>19. EXISTING FEDERAL IDENTIFICATION NUMBER</b> N/A		
<b>23. CERTIFYING REPRESENTATIVE</b> a. TYPED NAME AND TITLE Jack Kinstlinger Executive Director		<b>b. SIGNATURE</b> 		<b>c. DATE SIGNED</b> Year month day 1976 12 27		
<b>24. AGENCY NAME</b>				<b>21. REMARKS ADDED</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<b>26. ORGANIZATIONAL UNIT</b>				<b>25. APPLICATION RECEIVED</b> Year month day RECEIVED 19		
<b>29. ADDRESS</b>				<b>28. FEDERAL APPLICATION IDENTIFICATION</b>		
<b>31. ACTION TAKEN</b> <input type="checkbox"/> a. AWARDED <input type="checkbox"/> b. REJECTED <input type="checkbox"/> c. RETURNED FOR AMENDMENT <input type="checkbox"/> d. DEFERRED <input type="checkbox"/> e. WITHDRAWN		<b>32. FUNDING</b> a. FEDERAL \$ .00 b. APPLICANT .00 c. STATE .00 d. LOCAL .00 e. OTHER .00 f. TOTAL \$ .00		<b>33. ACTION DATE</b> Year month day 19		
<b>34. STARTING DATE</b> Year month day 19				<b>35. CONTACT FOR ADDITIONAL INFORMATION</b> (Name and telephone number)		
<b>38. FEDERAL AGENCY A-95 ACTION</b> a. In taking above action, any comments received from clearinghouses were considered. If agency response is due under provisions of Part 1, OMB Circular A-95, it has been or is being made.				<b>b. FEDERAL AGENCY A-95 OFFICIAL</b> (Name and telephone no.)		
<b>36. ENDING DATE</b> Year month day 19				<b>37. REMARKS ADDED</b> <input type="checkbox"/> Yes <input type="checkbox"/> No		

SECTION I - APPLICANT/RECIPIENT DATA

SECTION II - CERTIFICATION

SECTION III - FEDERAL AGENCY ACTION

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**SECTION IV-REMARKS** *(Please reference the proper item number from Sections I, II or III, if applicable)*

Item 22 b.(2)

1. Northeastern Colorado Council of Gov'ts
2. Larimer-Weld Regional Council of Gov'ts
3. Denver Regional Council of Gov'ts
4. Pikes Peak Area Council of Gov'ts
5. East Central Council of Gov'ts
6. Lower Arkansas Valley Council of Gov'ts
7. Pueblo Area Council of Gov'ts
8. Huerfano-Las Animas Council of Gov'ts
9. San Luis Valley Council of Gov'ts
10. San Juan Basin Regional Planning Commission
11. District 10 Regional Planning Commission
12. Colorado West Council of Gov'ts
13. Northwest Colorado Council of Gov'ts
14. Upper Arkansas Area Council of Gov'ts



PART II

OMB Approval No. 29-R0218

PROJECT APPROVAL INFORMATION

Item 1.

Does this assistance request require State, local, regional, or other priority rating? Yes  No

Name of Governing Body \_\_\_\_\_ Priority Rating \_\_\_\_\_

Item 2.

Does this assistance request require State, or local advisory, educational or health clearances? Yes  No

Name of Agency or Board \_\_\_\_\_

(Attach Documentation)

Item 3.

Does this assistance request require clearinghouse review in accordance with OMB Circular A-95? Unknown - Probably Yes \_\_\_\_\_ No

(Attach Comments) Will forward when received, if required.

Item 4.

Does this assistance request require State, local, regional or other planning approval? Yes  No

Name of Approving Agency \_\_\_\_\_ Date \_\_\_\_\_

Item 5.

Is the proposed project covered by an approved comprehensive plan? Yes  No

Check one: State  Local  Regional  Location of Plan \_\_\_\_\_

Item 6.

Will the assistance requested serve a Federal installation?  Yes \_\_\_\_\_ No

Name of Federal Installation All served by railroads Federal Population benefiting from Project Unknown

Item 7.

Will the assistance requested be on Federal land or installation? Yes  No

Name of Federal Installation \_\_\_\_\_ Location of Federal Land \_\_\_\_\_ Percent of Project \_\_\_\_\_

Item 8.

Will the assistance requested have an impact or effect on the environment? Yes  No

See instructions for additional information to be provided.

Item 9.

Will the assistance requested cause the displacement of individuals, families, businesses, or farms? Yes  No

Number of: Individuals \_\_\_\_\_ Families \_\_\_\_\_ Businesses \_\_\_\_\_ Farms \_\_\_\_\_

Item 10.

Is there other related assistance on this project previous, pending, or anticipated?  Yes \_\_\_\_\_ No

See instructions for additional information to be provided. Additional rail planning funds when appropriated.

PART III – BUDGET INFOR

SECTION A – BUDGET SUMMARY						
Grant Program, Function or Activity (a)	Federal Catalog No. (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. Rail Planning	20.399	\$ -	\$ -	\$ 100,000	\$ -	\$ 100,000
2.						
3.						
4.						
5. TOTALS		\$	\$	\$ 100,000	\$	\$ 100,000
SECTION B – BUDGET CATEGORIES						
6. Object Class Categories	Grant Program, Function or Activity				Total (5)	
	(1) Rail Planning	(2)	(3)	(4)		
a. Personnel	\$ 15,800	\$	\$	\$	\$ 15,800	
b. Fringe Benefits	5,200				5,200	
c. Travel	2,000				2,000	
d. Equipment	--				--	
e. Supplies	1,500				1,500	
f. Contractual	70,000				70,000	
g. Construction	--				--	
h. Other Training - \$500 Data from RR's-\$5,000	5,500				5,500	
i. Total Direct Charges	100,000				100,000	
j. Indirect Charges	--				--	
k. TOTALS	\$ 100,000	\$	\$	\$	\$ 100,000	
7. Program Income	\$ --	\$	\$	\$	\$ --	

PART III – BUDGET INFORMATION

Page 2

OMB NO. 80-RO186

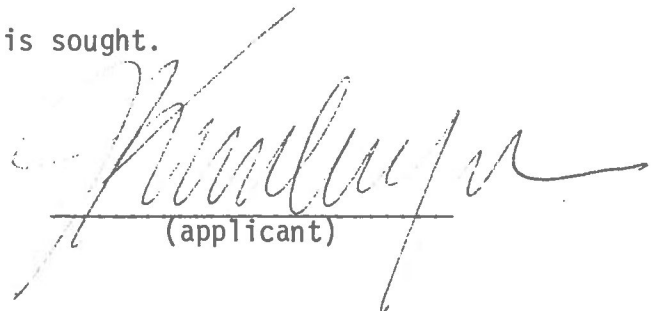
SECTION C – NON-FEDERAL RESOURCES					N/A
(a) GRANT PROGRAM	(b) APPLICANT	(c) STATE	(d) OTHER SOURCES	(e) TOTALS	
8.	\$	\$	\$	\$	
9.					
10.					
11.					
12. TOTALS	\$	\$	\$	\$	
SECTION D – FORECASTED CASH NEEDS					
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$ 100,000	\$ 77,500	\$ 7,500	\$ 7,500	\$ 7,500
14. Non-Federal					
15. TOTAL	\$ 100,000	\$ 77,500	\$ 7,500	\$ 7,500	\$ 7,500
SECTION E – BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT					
(a) GRANT PROGRAM	FUTURE FUNDING PERIODS (YEARS)				
	(b) FIRST	(c) SECOND	(d) THIRD	(e) FOURTH	
16. Rail Planning	\$ 120,000	\$ 68,500	\$	\$	
17.					
18.					
19.					
20. TOTALS	\$ 120,000	\$ 68,500	\$	\$	
SECTION F – OTHER BUDGET INFORMATION					
(Attach additional Sheets if Necessary)					
<p>21. Direct Charges: Consultant will be retained for \$120,000. Estimate \$70,000 from this application and \$50,000 when more funds become available, hopefully shortly after reallocation of March 31, 1977.</p>					
<p>22. Indirect Charges:</p>					
<p>23. Remarks:</p>					

CERTIFICATION OF APPLICANT COMPLIANCE

In accordance with requirements of the Railroad Revitalization and Regulatory Reform Act of 1976, I Jack Kinstlinger, acting as chief executive officer for the applicant this day 20 of December, 1976, do certify that the following information is correct and true:

- (1) The rail services or properties for which assistance is requested are for the development of a State Rail Plan, coordinated with involved public and private agencies pursuant to 49 CFR 255.9(a) and (b).
- (2) Department of Highways will provide adequate funds to meet non-Federal (applicant) share requirements of this application pursuant to legislative authority or from other sources.
- (3) Department of Highways will adopt fiscal control and fund accounting (applicant) procedures to assure proper disbursement of, accounting for, and auditing of assistance consistent with Federal Management Circular 74-4 and 74-7.
- (4) The Federal assistance received from the Federal Railroad Administration as a result of approval of this application, shall be used solely for the purpose for which such assistance is sought.

12-20-76  
(date)

  
(applicant)

EVIDENCE THAT THE APPLICANT HAS ESTABLISHED ADEQUATE PROCEDURES  
FOR FINANCIAL CONTROL, ACCOUNTING AND PERFORMANCE EVALUATION

Please refer to the memorandum from Robert M. Horiuchi to John J. Dolan, on the next page, regarding evidence of adequate procedures for financial control, accounting and performance evaluation.

A copy of "State of Colorado - Department of Highways - Financial Statements and Comments - June 30, 1976" is being transmitted as an attachment to this document.

DIVISION OF HIGHWAYS  
STATE OF COLORADO  
4201 E. Arkansas Ave.  
DENVER, COLORADO 80222

December 20, 1976

TO: John J. Dolan, Asst. Planning & Research Engineer

FROM: Robert M. Horiuchi, Chief of External Audits *Robert M. Horiuchi*

SUBJECT: State Rail Planning Assistance  
(Reply to your request December 10, 1976 - Item 6  
of Application Requirements)

As to evidence of adequate procedures for financial control, accounting and performance, please refer to our cognizant audit agency - Federal Highway Administration (FHWA) per FHWA Order M 2950.4, Chg. 4, August 3, 1976, FHWA External Audit Manual. Work Area 31 of this FHWA order includes the Federal Railroad Administration. FHWA Colorado Division auditors have a complete and comprehensive file on our Administrative, Financial, and Transportation Planning areas. They will be able to confirm CDH's current capability to administer the grant program.

Inquiries should be addressed to:

Lyle Daley, Auditor in Charge  
FHWA Colorado Division  
10488 West 6th Place  
Denver, Colorado 80215  
(303) 234-4633

Enclosed is our most recent audit for the three year period ending June 30, 1976.

STANDARD DOT TITLE VI ASSURANCES

The Colorado Department of Highways (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the "Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations") and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Railroad Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a)(1) of the Regulations, a copy of which is attached.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its State Rail Planning Assistance.

1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will

be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.

2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all State Rail Planning Assistance and, in adapted form in all proposals for negotiated agreements:

The (Recipient), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.

4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or



improvements thereon, or interest therein.

5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.

7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under State Rail Planning Assistance; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under State Rail Planning Assistance.

8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.

9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the State Rail Planning Assistance and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the State Rail Planning Assistance. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

DATED December 20, 1976

COLORADO DEPARTMENT OF HIGHWAYS

(Recipient)

by

  
(Signature of Authorized Official)

Appendices A, B, and C  
Department of Transportation

JACK KINSTLINGER  
Executive Director

## APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

(1) Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the "Regulations"), which are herein incorporated by reference and made a part of this contract.

(2) Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

(3) Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

(4) Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the (Recipient) or the (Name of Appropriate Administration) to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the (Recipient), or the (Name of Appropriate Administration) as appropriate, and shall set forth what efforts it has made to obtain the information.

(5) Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the (Recipient) shall impose such contract sanctions as it or the (Name of Appropriate Administration) may determine to be appropriate, including, but not limited to:

(a) withholding of payments to the contractor under the contract until the contractor complies, and/or

(b) cancellation, termination or suspension of the contract, in whole or in part.

(6) Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the (Recipient) or the (Name of Appropriate Administration) may direct as a means

of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the (Recipient) to enter into such litigation to protect the interests of the (Recipient), and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

## APPENDIX B

- A. The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the (Name of Recipient) will accept title to the lands and maintain the project constructed thereon, in accordance with (Name of Appropriate Legislative Authority), the Regulations for the Administration of (Name of Appropriate Program) and the policies and procedures prescribed by Federal Railroad Administration of the Department of Transportation and, also, in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter referred to as the "Regulations") pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the (Name of Recipient) all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto (Name of Recipient) and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property

or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the (Name of Recipient), its successors and assigns.

The (Name of Recipient), in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed [,] [and]\* (2) that the (Name of Recipient) shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended [, and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction. \*

\* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the (Name of Recipient) pursuant to the provisions of Assurance 7(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.] \*

That in the event of breach of any of the above nondiscrimination covenants, (Name of Recipient) shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

[Include in deeds] \*



That in the event of breach of any of the above nondiscrimination covenants, (Name of Recipient) shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of (Name of Recipient) and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by (Name of Recipient) pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964), and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.] \*

That in the event of breach of any of the above nondiscrimination covenants, (Name of Recipient) shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds] \*

That in the event of breach of any of the above nondiscrimination covenants, (Name of Recipient) shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of (Name of Recipient) and its assigns.

\* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

