

RESOLUTION 2025-064
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL
GRANT AGREEMENT BETWEEN THE CITY OF FORT COLLINS AND
THE FEDERAL RAILROAD ADMINISTRATION FOR THE
VINE/TIMBERLINE RAIL GRADE SEPARATION PLANNING PROJECT

A. The purpose of this item is to enable the City to receive and expend Railroad Crossing Elimination (“RCE”) Program grant funds through the Federal Railroad Administration (“FRA”) for the Vine/Timberline Rail Grade Separation Planning project (“Project”). The funds will be used to conduct planning for the capital project, which will eliminate the at-grade railroad crossing at the intersection of Timberline Road and Vine Drive by creating an overpass along Timberline Road across the BNSF railroad tracks and Vine Drive. These funds will be used for planning, including outreach, feasibility study, technical analysis, design, and right-of-way acquisition.

B. The existing intersection of Timberline Road and Vine Drive experiences congestion with safety and delay concerns due to the existing 4-way stop control along with an at-grade rail crossing near the intersection. The Vine and Timberline Intersection Improvements project, which is already underway, will improve the intersection with a traffic signal interconnected to a new rail crossing signal. That project is fully funded, and construction is currently underway. Construction on that intersection improvement project has been delayed by utility relocations being performed by the Poudre Valley Rural Electric Association and will be completed later this summer.

C. As northeast Fort Collins continues to develop, increasing traffic volumes at the Vine and Timberline intersection will result in the need for an overpass like the one constructed at Vine and Lemay, which was completed in 2022. By bridging Timberline Road over the BNSF railroad tracks and the parallel Vine Drive, Fort Collins will reduce congestion, improve safety, improve system efficiency, add multimodal options, and provide much-needed access for growing neighborhoods.

D. A grade separation overpass at Vine Drive and Timberline Road over the railroad tracks has been part of the City’s Master Street Plan for several years. The Transportation Capital Projects Prioritization Study (“TCPSP” adopted by City Council on September 19, 2023 (Resolution 2023-086)) includes Vine/Timberline Rail Grade Separation as one of the top fifteen projects in the study.

E. The East Ridge Second Filing and Waterfield Fourth Filing developments provided development contributions towards the Project that have been previously appropriated by City Council through Ordinance No. 122, 2023, and Ordinance No. 115, 2024. The City worked with a consultant to develop an RCE Program grant application that was submitted in 2024. The application requested funding to complete Project planning. The application was successful, and the City recently received notification that the FRA is ready to move forward with the intergovernmental grant agreement (the “Grant Agreement” attached as Exhibit A and incorporated herein.

F. The FRA RCE Program grant awards up to \$765,616 to cover costs in support of the Project. The RCE grant is a reimbursable grant, meaning Capital Projects Fund expenses will be reimbursed up to \$765,616. This grant is conditioned on the City entering into the Grant Agreement which sets forth general and Project-specific terms and conditions governing the administration of the grant funds and the execution of the Project.

G. For the RCE Program funds, the FRA uses GrantSolutions, a web portal, for contracting with grant recipients. The FRA requests that the City accept the Grant Agreement through GrantSolutions. Acceptance does not require providing a fully executed cooperative agreement. Rather, it requires the City Engineering Department, which has a GrantSolutions account through Dana Hornkohl on behalf of the City to provide the City's acceptance of the Grant Agreement.

H. Project funding also includes contributions from two developments provided in lieu of construction and in anticipation of the Vine/Timberline Rail Grade Separation capital project, which funding was previously appropriated through Ordinance No. 122, 2023, and Ordinance No. 115, 2024. The local match required for the RCE funds is \$191,404, which match will be met with a portion of these development contributions. The remaining development contribution (\$140,423) will be available as an overmatch for future grant opportunities and to help fund additional Project costs. The total fund amount projected for this planning Project is \$1,097,443 composed of funds appropriated with prior actions and with this action.

I. Colorado Revised Statutes Section 29-1-203 provides that governments may cooperate or contract with one another to provide certain services or facilities when the cooperation or contracts are authorized by each party thereto with the approval of its legislative body or other authority having the power to so approve.

J. City Charter Article II, Section 16 empowers the City Council, by ordinance or resolution, to enter into contracts with governmental bodies to furnish governmental services and make charges for such services or enter into cooperative or joint activities with other governmental bodies.

K. City Code Section 1-22 requires the City Council to approve intergovernmental agreements that require the City to make a direct, monetary payment over \$50,000. The local match for the RCE funds is \$191,404, and total funds anticipated to be appropriated for the Project amount to \$1,097,443. Funds are anticipated to be appropriated via Ordinance No. 105, 2025.

L. The City Council finds and determines that the Project and the grant funding are in the best interests of the City, that they advance the public's health, safety, and welfare by facilitating improvement of the City's multimodal transportation safety and infrastructure.

M. The City Council further finds and determines that the Mayor be authorized to execute the Grant Agreement between the City and the FRA and that authority be delegated to the Engineering Department to accept the grant through the online acceptance system.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Subject to final approval of Ordinance No. 105, 2025, appropriating the subject grant funds, the City Council authorizes the Mayor to execute, on behalf of the City, and that authority be delegated to Dana Hornkohl, Capital Projects Manager/Director of Civil Engineering, to accept through GrantSolutions, the Grant Agreement with the Federal Railroad Administration, in substantially the form attached hereto as Exhibit A, with additional or modified terms and conditions as the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to protect the interests of the City or effectuate the purposes of this Resolution.

Section 2. Subject to execution of the Grant Agreement authorized in Section 1, the City Council hereby authorizes the City Manager to approve and execute and to delegate to the Engineering Department to accept future amendments to the Grant Agreement with the Federal Railroad Administration relating to the Project that the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to facilitate completion of the Project, so long as such amendments do not increase the cost of the Project, substantially modify the purposes of the Grant Agreement, increase the allocation or amount of funding for the Project funded by the City, or otherwise increase the obligations and responsibilities of the City as set forth in the Grant Agreement.

Passed and adopted on June 17, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: June 17, 2025

Approving Attorney: Heather N. Jarvis

Exhibit: Exhibit A - Federal Railroad Administration Railroad Crossing Elimination
Program Grant Agreement