

ORDINANCE NO. 105, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING A SUPPLEMENTAL APPROPRIATION OF RAILROAD
CROSSING ELIMINATION PROGRAM GRANT FUNDS FOR THE
VINE/TIMBERLINE RAIL GRADE SEPARATION PLANNING PROJECT

A. The purpose of this item is to appropriate Railroad Crossing Elimination (“RCE”) Program grant funds provided 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 (“TCPPTS” 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. 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 has received RCE Program funds pursuant to an intergovernmental grant agreement, authorized by Resolution 2025-064.

F. This Ordinance appropriates \$765,616 FRA RCE Program grant funds to cover costs in support of the Project. Project funding also includes contributions totaling \$331,827 from the two developments provided in lieu of construction and in anticipation

of the Vine/Timberline Rail Grade Separation capital project, which funding was previously appropriated to this Project 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.

G. Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year.

H. The City Manager has recommended the appropriation described in Section 1 and determined that the funds to be appropriated are available and previously unappropriated from the Capital Projects fund and that this appropriation will not cause the total amount appropriated in the Capital Projects fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

I. The grant funds appropriated in this Ordinance for the Project are ineligible for use in the Art in Public Places (“APP”) program due to restrictions placed on them by the Federal Railroad Administration, the source of these funds.

J. The funding from the development contributions to construction previously transferred to the Project are also ineligible for use in the APP program, because these previously appropriated funds already completed contributions to the APP program.

K. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a federal, state or private grant or donation, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the federal, state or private grant or donation or the City’s expenditure of all funds received from such grant or donation.

L. The City Council wishes to designate the appropriation herein for the Railroad Crossing Elimination Program grant as an appropriation that shall not lapse until the earlier of the expiration of the grant or the City’s expenditure of all funds received from the grant.

M. The appropriations in this Ordinance benefit public health, safety and welfare of the residents and the traveling public of Fort Collins and serve the public purposes of improving multimodal transportation infrastructure and safety within the City.

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

Section 1. There is hereby appropriated from new revenue or other funds in the Capital Projects fund the sum of SEVEN HUNDRED SIXTY-FIVE THOUSAND SIX HUNDRED SIXTEEN DOLLARS (\$765,616) in FRA Railroad Crossing Elimination Program grant funds, to be expended in the Capital Projects fund for the Vine/Timberline Rail Grade Separation Planning Project.

Section 2. The appropriation herein for the Railroad Crossing Elimination Program grant is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

Introduced, considered favorably on first reading on June 17, 2025, and approved on second reading for final passage on July 1, 2025.

Mayor Pro Tem

ATTEST:

City Clerk

Effective Date: July 11, 2025

Approving Attorney: Heather N. Jarvis

Exhibits: None