

ORDINANCE NO. 041, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS IN THE CAPITAL
PROJECTS FUND OF COLORADO DEPARTMENT OF
TRANSPORTATION ALTERNATIVE PROGRAM GRANT FUNDS
AND THE CONGESTION MITIGATION AND AIR QUALITY
GRANT FUNDS, FOR THE POWER TRAIL AND HARMONY
GRADE SEPARATED CROSSING PROJECT

A. This Ordinance concerns construction of and funding for a pedestrian and bicycle underpass to extend the Power Trail in the vicinity of East Harmony Road.

B. The Power Trail provides a north-south route through Fort Collins in two disconnected segments along the west side of the Union Pacific Railroad, traveling past neighborhoods, open spaces, two parks, Collindale Golf Course, and Kruse Elementary School. The Trail's northern end begins at Edora Park and stretches to just north of Harmony Road via Golden Meadows Park, stopping at McMurry Avenue. The Trail resumes at Keenland Drive to the west side of the railroad, travels to Trilby Road and then continues south along Stanton Creek to the Carpenter Road underpass and a connection to the Larimer County Front Range Trail and the Loveland Boyd Lake trail.

C. The current route for the Power Trail directs bicycles and pedestrians to use the City roadway network north and south of Harmony Road, which involves crossing Harmony Road at-grade at McMurry Avenue. Several residential neighborhoods are south of Harmony Road near the Trail, and several destinations are north of Harmony Road including multiple schools, businesses, parks, and a golf course. The existing at-grade crossing has been the scene of several severe crashes involving vulnerable road users in recent years, including a crash resulting in a cyclist fatality.

D. The Power Trail and Harmony Grade Separated Crossing Project (the "Project") has been developed to improve bicycle and pedestrian safety and to facilitate trail connectivity. The Project will design, acquire any necessary right-of-way for, and construct a trail underpass for the Power Trail crossing at Harmony Road. A separate project will construct trail connections north and south of Harmony Road to connect the underpass with the existing Power Trail. Together, this Project and the trail connections work will complete the last gap in the Power Trail, providing connectivity from the Poudre River Corridor to the Big Thompson Corridor.

E. The Project is one of multiple projects to connect the Power Trail to the local trail network and to current and future residential communities, schools, and parks in southeast Fort Collins. Current and future developments will add to trail demand and a robust trail network will potentially divert vehicle trips.

F. The Power Trail is regionally significant and identified in the North Front Range Metropolitan Planning Organization (the "NFRMPO") Regional Active Transportation Plan as part of the Front Range Trail (West) adopted in July 2021. The

grade separated crossing is identified in the City's 2014 Bicycle Master Plan as a bicycle network priority.

G. City staff presented the Project to the Bicycle Advisory Committee, the Commission on Disabilities, the Transportation Board, and the Parks and Recreation Advisory Board, all of whom support the Project.

H. In 2016, the City applied for and was awarded \$800,000 through a federal Transportation Alternatives Program ("TAP") grant. These TAP funds were awarded to the City, programmed for FY2020, through the NFRMPO and Colorado Department of Transportation ("CDOT") for the construction of the Project.

I. In 2022, the City was awarded a Congestion Mitigation and Air Quality ("CMAQ") grant for \$2,700,000. These CMAQ funds were awarded to the City, programmed for FY2023-FY2024, through the NFRMPO and CDOT for the construction of the Project.

J. In 2023, the City applied for and was awarded \$3,239,300 in additional CMAQ funds through the NFRMPO. These funds are required to complete construction of the Project planned for 2025. The additional \$3,239,300 in CMAQ funds are programmed for FY2026 and will be requested for appropriation along with additional City funds required to complete the Project as part of the City's 2025-2026 Budget.

K. CDOT administers the grant funds for the Project and has proposed an intergovernmental agreement (the "IGA") to enable the City to receive and expend the grant funds to continue to address safety concerns and to further develop the City's transportation infrastructure and interconnected trail network. The proposed IGA requires the City to provide matching funds in the amount of \$1,434,635.

L. The feasibility study and design phases that preceded the Project and the City's required local match and overmatch funds were previously appropriated from Transportation Capital Expansion Fee funds, the Transportation Fund, and Community Capital Improvement Program funds for pedestrian and bicycle grade separated crossings.

M. The appropriations for this Project benefit public health, safety, and welfare of the residents of Fort Collins and serve the public purpose of promoting safer travel across multiple modalities and improving the transportation infrastructure within the City.

N. 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.

O. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Capital Projects Fund and 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.

P. 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 the City's expenditure of all funds received from such grant.

Q. The City Council wishes to designate the appropriations herein for the CDOT TAP grant and CMAQ grant as appropriations that shall not lapse until the earlier of the expiration of the grants or the City's expenditure of all funds received from such grants.

R. All of the funds appropriated in this Ordinance for the Project are ineligible for use in the APP Program due to restrictions placed on them by CDOT, the source of these funds.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, 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 EIGHT HUNDRED THOUSAND DOLLARS (\$800,000) to be expended in the Capital Projects Fund for the Project.

Section 2. There is hereby appropriated from new revenue or other funds in the Capital Projects Fund the sum of TWO MILLION SEVEN HUNDRED THOUSAND DOLLARS (\$2,700,000) to be expended in the Capital Projects Fund for the Project.

Section 3. The appropriations herein for the CDOT TAP grant and CMAQ grant are hereby designated, as authorized in Article V, Section 11 of the City Charter, as appropriations that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grants or the City's expenditure of all funds received from such grants.

Introduced, considered favorably on first reading on March 19, 2024, and approved on second reading for final passage on April 2, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: April 12, 2024

Approving Attorney: Heather N. Jarvis