

Introduction

Introduction

This document contains the proposed Access Control Plan for the Roaring Fork Railroad Holding Authority (RFRHA). The plan area covers the Roaring Fork Railroad corridor between Glenwood Springs and Aspen, Colorado. The plan is intended to implement the planning requirements of the Great Outdoors Colorado Conservation Easement, and contribute to the Comprehensive Plan for the Roaring Fork Railroad.

The Access Control Plan is comprised of the following four parts:

- **Part I** **Policy for Managing Railroad Crossings**
- **Part II** **Railroad Access Control Plan Maps**
- **Part III** **State Highway 82 Access Control Plan Map**
- **Part IV** **Appendices (Design Specifications, and Supporting
 Technical Memoranda)**

It will be necessary for RFRHA, Colorado Department of Transportation, and local jurisdictions in the plan area to enter into intergovernmental agreements to implement the Access Control Plan.

Part I - Policy for Managing Railroad Crossings

Sections:

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1.0 Title.

This Policy shall officially be known, cited, and referred to as the Policy for Managing Crossings of the Roaring Fork Railroad Holding Authority, hereinafter “this Policy”.

2.0 Purpose and Intent.

A. The purpose of this Policy is to:

1. Protect the health and safety of rail passengers, railroad employees and service personnel, and those using adjacent property.
2. Minimize the number of new road crossings over the railroad.
3. Ensure the safe operation of existing railroad crossings, and require maintenance thereof.
4. Consolidate existing railroad crossings when practicable.
5. Implement the Conservation Easement objectives, by avoiding adverse impacts to the open space, recreation, scenic and wildlife values of the corridor, and adjacent lands that add to the scenic value and enjoyment of the corridor. When adverse impacts cannot be avoided, they shall be mitigated to the extent practicable.

B. This Policy is intended to promote stewardship of the railroad by the Roaring Fork Railroad Holding Authority (RFRHA), adjacent property owners, and the Aspen Valley Land Trust, in cooperation with local governments. It is also intended to facilitate coordination with the requirements and review procedures of other permitting agencies, including but not limited to Colorado Department of Transportation (CDOT) and the Public Utilities Commission (PUC).

3.0 Authority.

The Roaring Fork Railroad Holding Authority Board of Directors, hereinafter “Board”, is vested with the authority to review, approve, conditionally approve and disapprove applications for construction, reconstruction, realignment, consolidation, and modification of railroad crossings. The Board’s authority emanates from intergovernmental agreements, adopted pursuant to Section 29-1-201 C.R.S.

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4.0 **Jurisdiction.**

This Policy applies to all railroad crossings located within the Roaring Fork Railroad Right of Way and Easement.

5.0 **Interpretation, Conflict, and Separability.**

A. ***Interpretation.*** In their interpretation and application, the provisions of this Policy shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This Policy shall be construed broadly to promote the purposes for which it is adopted.

B. ***Conflict.***

1. ***Public Provisions.*** This Policy is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in the Policy. Where any provision of this Policy imposes restrictions different from those imposed by any other provision of this Policy or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

2. ***Private Provisions.*** This Policy is not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of this Policy is more restrictive or imposes higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of this Policy shall govern. Private provisions, when not in conflict with this Policy, shall be operative and supplemental to the Policy and determinations made under the Policy.

C. ***Separability.*** If any part or provision of this Policy or the application of the Policy to any person or circumstance is adjudged invalid by any court of competent jurisdiction, the judgement shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgement shall be rendered and it shall not affect or impair the validity of the remainder of the Policy or the application of them to other persons or circumstances. The Board hereby declares that it would have enacted the remainder of the Policy

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even without any such part, provision, or application which is judged to be invalid.

6.0 Amendments.

For the purposes of protecting the public health, safety, and general welfare, and consistent with the purpose and intent in Section 2.0, the Board may from time to time adopt amendments to this Policy in accordance with RFRHA procedures.

7.0 Existing Crossings Defined.

An “existing crossing” means a railroad crossing by a public street, private drive, trail, utility, or similar facility. Permitted crossings are those that are recognized by RFRHA as permitted, based on the following criteria:

- A. The crossing had a license agreement, easement, or pending contract effective at the time of RFRHA’s purchase of the railroad from Southern Pacific Transportation Company (List “A” on file with RFRHA); or
- B. RFRHA, CDOT, and GOCO approved the crossing as a “proposed new crossing” at the time of the railroad purchase (List “B” on file with RFRHA); or
- C. RFRHA has approved an access permit and the crossing has been constructed in accordance with the permit. This includes crossings initiated by RFRHA. (See also, “Policy for Reviewing New Railroad Crossings”).
- D. All other crossings are considered encroachments. RFRHA is hereby authorized to remove or close encroachments, or take appropriate legal action to do the same. (See also, Section 15.0- Closure of Crossings and Alternatives to Closure.)

8.0 New Crossings Defined.

A “new crossing” means a new railroad crossing by a public street, private drive, trail, utility, or similar facility approved by RFRHA or the PUC (as applicable), which did not exist prior to the effective date of this Policy.

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9.0 Owner Defined.

“Owner” means the owner of real property or the contract purchaser of real property of record as shown on the current assessment roll in the office of the county assessor; or the holder of an easement. Owners may include public bodies, as in the case of a street right-of-way, or a private entity (e.g., private land owners and utility companies).

10.0 Responsibility for Crossings.

- A. **Public and Utility Crossings.** All public and utility crossings shall be maintained in good condition, and in a manner that does not conflict with railroad operations. The owner(s) of a public street or utility crossing shall be responsible for maintaining and repairing their respective crossing(s), and obtaining required permits from the Colorado Public Utilities Commission (PUC), RFRHA and any other applicable permit authority (e.g., local government or CDOT) prior to commencing such work. RFRHA shall be responsible for maintaining rail crossing signals, signs, gates, and associated hardware. The PUC is the permit authority for public crossings.
- B. **Private Crossings.** RFRHA shall be responsible for repair and maintenance of private crossings and shall charge a fee to cover its costs, in accordance with Section 16.0. RFRHA is the permit authority for all private crossings.
- C. **Construction Specifications.** RFRHA shall maintain general construction specifications for crossings, and use the specifications to determine compliance with this Policy. RFRHA shall provide copies of the specifications to any person upon request, and make the specifications available for public inspection during normal office hours.

11.0 Design Standards for Up-Grading Existing Crossings.

All crossings shall meet the minimum design standards in subsections A through D. An owner may be required to upgrade an existing crossing that does not comply with the design standards when a subdivision or site development is proposed, or when the crossing itself is proposed to be improved, realigned, or reconstructed. RFRHA shall coordinate with local jurisdictions and the PUC to determine when improvements are required.

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- A. ***Grade-Separated Crossings.*** RFRHA shall use the guidelines in subsections 1-6, below, in determining when an existing private crossing must be grade-separated. The standards may also be used by RFRHA in providing comments to the PUC to assist in the agency's review of public crossing requests. Public crossings are subject to review and approval by the PUC.
1. All collector streets, arterial streets, and highways (public streets) should be grade-separated when they exceed an exposure factor of 35,000 (number of trains daily times average daily traffic count); except that the exposure factor threshold may be increased to 75,000 for street crossings in areas with slower train speeds (e.g., within municipalities and unincorporated urban areas). In such areas, rail crossings are treated as streetcar type crossings, for purposes of analysis and in determining design standards.
 2. Exposure factors are determined based on projected rail usage and trip generation rates published by the Institute of Transportation Engineers (latest edition of the ITE Trip Generation Manual), or other traffic forecasting model if approved by RFRHA.
 3. Private streets and drives that meet the exposure factors in subsection 2, above, shall be grade separated, except as the standard may be modified under Section 19.0 - Adjustments.
 4. RFRHA or the PUC may require grade separation for crossings which have exposure factors less than the levels in subsections 2 and 3, above, when necessary due to unsafe site conditions (e.g., sight distance, road grades, accident history, etc.).
 5. An exception to the grade-separation requirement may be approved for public streets (i.e., existing at-grade crossings may continue to exist) if a similar public street at-grade crossing in the vicinity is closed or consolidated, subject to PUC approval.

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6. All grade-separated crossings shall comply with applicable RFRHA, CDOT, and County roadway standards, and provide for minimum clearances in accordance with Table 1:

Table 1 Minimum Vertical and Horizontal Clearance for Grade-Separated Crossings		
	<i>Vertical Clearance</i>	<i>Horizontal Clearance</i>
<i>Rail above highway</i>	16.5 feet - from the bottom of the structure to the roadway surface	2 feet - from edge of travel lane to a concrete barrier. Distance may increase to include a roadway shoulder if required by the local or state roadway agency*
<i>Highway above rail</i>	22.5 feet - from top of rail to the underside of the structure	8.5 feet - from the centerline of the track to the fixed obstruction
<p>Source of Rail Above Highway Clearance standards is CDOT. Source of Highway Above Rail Clearance standards is CPUC. Note: these are minimum standards. In some situations, greater clearance may be required to address unique site conditions. Required dimensions shall be determined through project design.</p> <p>*Where a maintenance road is adjacent to the track there must also be room for the road under the structure. All vertical members of the structures adjacent to the rail must be designed to withstand crash loading from the train.</p>		

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- B. ***Public At-Grade Street and Highway Crossings.*** All public at-grade street and highway crossings require the following improvements, constructed and maintained in conformance with the details and specifications in Appendix A., and subject to review and approval by the Public Utilities Commission (PUC):
1. Cross-bucks with reflector tape, warning lights and bells;
 2. Automated railroad protection gates to stop traffic from all directions;
 3. Permanent audible warning device required at crossings in residential areas (i.e., where whistle ban is in affect); and
 4. Approved platform with median to prevent driving around gates.
 5. Signage and pavement markings on the roadway approach, in accordance with MUTCD, to identify the railroad crossing.
 6. Other safety improvements as may be required by the PUC.
- C. ***Private At-Grade Vehicle Crossings.*** Private at-grade vehicular crossings require the following safety improvements, constructed and maintained in conformance with the standard details and specifications in Appendix A.:
1. All private at-grade crossings shall provide an approved platform.
 2. Private crossings with low projected traffic volumes (e.g., fewer than 50 average daily trips) and field approaches require stop signs and cross-bucks with reflector tape. Paved crossings shall also provide stop bars and pavement markings to identify the railroad crossing.
 3. Private crossings with projected average daily traffic of between 50 trips and 450 trips shall provide cross-bucks with reflector tape, warning lights and bells, in addition to the stop signs, stop bars and pavement markings.
 4. Private crossings with projected average daily traffic greater than 450 trips shall, at a minimum, comply with the standards for public at-grade crossings (Sections A and B, above).

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5. RFRHA may require safety features in addition to those identified in subsections 1-4 (i.e., grade-separated crossings, overhead mast arm lights, etc.), when necessary due to unsafe site conditions (e.g., sight distance, road grades, accident history, etc.).

D. **Trail Crossings.** Trail crossings of the railroad require PUC approval and shall comply with the Public Recreation Trail Plan. Grade-separated crossings are required, except that RFRHA may recommend approval grade-crossings when all of the following conditions are met:

1. Site constraints (e.g., slope, right-of-way/easement width, etc.) prevent development of a separated crossing;
2. The crossing is essential to implement the Public Recreation Trail Plan; and
3. The at-grade trail crossing, at a minimum, provides: stop signs; cross-bucks; bells; and pavement markings for both directions of travel (when trail is paved). Other safety features such as z-crossings may be required as site conditions warrant. Construction and reconstruction of trail crossings shall comply with the Public Recreation Trail Plan and the details and standard specifications in Appendix A.

E. **Underground Utilities.** All existing underground utility crossings shall continue to be underground. Any above-ground utilities may continue to cross the railroad above ground, but shall comply with the vertical clearance standards in Table 1, as a minimum. Reconstruction of utility crossings shall comply with the details and standard specifications in Appendix A.

12.0 Consolidation of Crossings.

RFRHA encourages consolidation of existing crossings whenever practicable.

RFRHA may require consolidation of private crossings (i.e., a private crossing with another private crossing; or a private crossing with a public crossing) when a new crossing is proposed adjacent to one or more existing crossings under the same ownership or control; or when an opportunity for consolidation exists through a land division, joint railroad/other transportation improvements, or proposed site development. Private

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crossings shall be consolidated when the criteria in subsections A through E, below, are met. (The criteria may also be used in recommending the consolidation of public crossings, subject to PUC approval.)

- A. **Site Feasibility.** Consolidation is feasible based on site topography, existing parcel configuration and use, right-of-way, and property ownership; or can be made feasible through reasonable requirements (e.g., lot line adjustments, dedication of right-of-way, easements, grading, or other improvements).
- B. **Out of Direction Travel.** The out-of-direction travel which would result is a reasonable trade-off for the safety benefit to be gained from the consolidation.
- C. **State Highway 82.** Consolidation would not adversely impact operation or safety of State Highway 82. Access consolidations that affect Highway 82 shall also be subject to review and approval by the issuing authority as defined in the State Highway Access Code (Volume 2, CCR 601-1).
- D. **Consistency with City and County Standards.** Access consolidations that require city or county land use approval, or require a street access permit from a local jurisdiction, shall also be subject to review and approval by the applicable local jurisdiction(s). See also, subsection C.
- E. **Consistency with Conservation Easement.** Existing crossings shall be consolidated so long as the trail, open space, recreational, parks, and wildlife uses and values will not be impaired.
- F. **Permit Required.** The owner shall obtain a permit in accordance with Section 18.0.

13.0 Crossing Improvements and Maintenance (Existing Crossings)

- A. **Improvements.** Existing crossings may be improved either as part of a general railroad improvement initiated by RFRHA, or by separate proceedings. RFRHA shall determine the materials to be used and specifications for all construction, in accordance with this Policy. Improvements shall require a permit in accordance with Section 18.0.

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- B. **Maintenance.** It is the duty of each owner to maintain their roadway approach in good repair. Maintenance shall include, but not be limited to, removing rocks, soil, vegetation and other material that may fall, slide, wash, or be placed onto crossing areas; and maintaining the railroad crossing free of other obstructions (e.g., snow storage, parked vehicles, equipment, etc.). RFRHA retains the right to undertake supplemental maintenance, as necessary, and shall be responsible for maintaining all crossing surfaces. See also, Section 16.0 - RFRHA Fees for Maintenance and Repairs.

14.0 Crossing Repair Permits.

RFRHA shall issue Repair Permits upon receiving a written or verbal request from a public entity or utility company seeking to repair grade-crossings (i.e., roadways and rail platforms within RFRHA right-of-way). The permit shall prescribe the kind of repair to be made, the material to be used, and specifications therefore. Any person desiring to construct or reconstruct a crossing shall first obtain a permit as prescribed in Section 18.0.

15.0 Closure of Crossings and Alternatives to Closure

RFRHA shall have the authority, per existing license agreements and easements (as applicable), to close private crossings. In order to further the public health, safety, and welfare, RFRHA will work cooperatively with property owners to identify options and alternatives to closure; e.g., crossing realignment, relocation, consolidation, grade separation, conditions on type of access, and similar measures, as appropriate. RFRHA will also work cooperatively with the PUC and local governments to resolve conflicts related to public crossings.

16.0 RFRHA Fees for Maintenance and Repair of Crossings

Owners shall pay an annual fee to RFRHA to cover the cost of maintenance and repair of crossings (i.e., crossing surfaces and equipment). The fees shall be based on projected annual maintenance, repair and replacement costs, and include overhead costs to administer the maintenance and repair program. The fee schedule shall be adopted by the RFRHA Board after a public hearing, and kept on file at RFRHA offices. In the event that an entity refuses or is unable to pay the annual fees, RFRHA may initiate closure of the crossing in conformance with Section 15.0, or seek alternative dispute resolution.

17.0 Policy and Design Standards for New Crossings.

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As a general policy, RFRHA seeks to minimize the number of railroad crossings to ensure the safe and efficient operation of the railroad and to avoid adverse impacts to the open space, trail, recreational, parks and wildlife uses and values of the corridor. New crossings generally are prohibited, except that they may be allowed for public street crossings when approved by the PUC, and private crossings may be approved by RFRHA when property access cannot reasonably be provided by an existing permitted crossing or another route. New crossings, when permitted, shall comply with the following standards in subsections A-B, below. Crossings may be improved either as part of a general railroad improvement initiated by RFRHA, or by separate proceedings. RFRHA shall determine the materials to be used and specifications for all construction, in accordance with this Policy.

- A. ***Type I Crossing.*** A Type I (Grade Separated) Crossing is the preferred type of crossing. This type of crossing may be permitted by the PUC for public crossings; and by RFRHA for private crossings when access cannot reasonably be provided by an existing permitted crossing, subject to the following standards:
1. The crossing is grade separated, and complies with the horizontal and vertical clearance standards in Section 11.A.6 (Table 1).
 2. The crossing does not adversely impact the operation of the rail facility.
 3. The crossing does not adversely impact the trail or open space values (recreation, wildlife, scenic), or such impacts are mitigated.
 4. In the case where a roadway requires an access permit and railroad crossing approval (access to State Highway 82, county right-of-way, etc.), an access permit has been approved in accordance with the State Highway Access Code or local government standards, as applicable.
 5. The applicant shall receive a crossing permit, in accordance with Section 18.0.

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- B. ***Type II Crossing.*** A Type II (At-Grade Crossing) may be permitted in areas where the train operates at slow speeds (i.e., a streetcar). Type II crossings may also be approved when the owner closes or consolidates existing rail crossing(s), and the new at-grade crossing complies with subsections 1 through 6, below:
1. ***Overall Crossing Safety.*** The consolidation and/or closure improves overall crossing safety in the vicinity;
 2. ***Improvements.*** The new crossing provides the following improvements, constructed in conformance with the details and specifications in Appendix A:
 - a. Cross-bucks with reflector tape, warning lights and bells;
 - b. Automated railroad protection gates to stop traffic from all directions (except sidewalks and trails, which shall provide “Z-crossing or other acceptable safety measure);
 - c. Permanent audible warning device required at crossings in residential areas (i.e., where whistle ban is in affect); and
 - d. Approved platform with median to prevent driving around gates.
 - e. Signage and pavement markings on the roadway approach, in accordance with the standards in Appendix A, to identify the railroad crossing.
 - f. Other safety improvements as may be required by the PUC for public crossings.
 3. ***Permit for Consolidation.*** The applicant shall receive a permit for consolidating crossings, in accordance with Section 18.0. PUC approval is required for public crossings and RFRHA approval is required for private crossings.
 4. ***Restriction on New Crossings to Serve New Parcels or Lots.*** No new at-grade crossings will be permitted to serve any new parcels or lots. “New” means the lot or parcel was created (i.e., by plat or deed) after the

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effective date of this Policy. New at-grade crossings may be permitted to provide access to lots or parcels created prior to the effective date of this Policy if no other access is available.

5. *Denial of Private Type II Crossing.* RFRHA retains the right to deny an at-grade private crossing request if the crossing:

- a. Could be a grade separated crossing as listed in A above;
- b. Could be a combined with or eliminate other at-grade crossings as listed in B above;
- c. The crossing would adversely impact the operation of the rail facility;
- d. The crossing would adversely impact the trail, open space, recreation, wildlife uses or values of the rail corridor, and such impacts cannot mitigated;
- e. Other reasonable means of access to the lot or parcel exist; or
- f. The crossing would impose an unusual and excessive burden on RFRHA (e.g., maintenance, repair, safety monitoring, or similar burden).

6 *Comments on Type II Public Crossing.* RFRHA may provide comments to the PUC recommending approval, approval with conditions, or denial of type II public crossing requests, based on findings of fact made in conformance with a-f, above.

18.0 **Permits for New Crossings and Consolidations.**

When a private crossing is located within RFRHA right-of-way, owners shall obtain permits from RFRHA prior to commencing work on rail crossing improvements and consolidations. When the crossing is located within CDOT right-of-way, owners shall obtain permits from both CDOT and RFRHA.

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When a public crossing is proposed, the owner shall obtain required permits from the PUC.) The following permit process applies only to RFRHA permits:

A. **Applications.** Permit applications for private crossing improvements and consolidations within RFRHA right-of-way shall provide the following:

1. Complete application form. RFRHA shall keep a standard application form for crossing improvements and consolidations. The application form (available from RFRHA offices) shall provide address and contact information for the owner and his/her contractor(s); contractor license/registration number(s); description of the proposed improvements; construction schedule; proposed traffic control measures; and other pertinent information as deemed necessary by RFRHA.
2. Application fee to cover the cost of processing the application. The fee schedule shall be adopted by the RFRHA Board, and kept on file at RFRHA offices.
3. Site plan prepared by a qualified professional (e.g., engineer, surveyor, planner, landscape architect). The site plan shall be drawn to a scale of at least 1 inch equals 40 feet. It shall list materials to be used, and provide section details and construction specifications in accordance with RFRHA standards. Applications for crossing consolidation shall include two site plans: one for the proposed crossing, and one for the crossing(s) to be closed.
4. The RFRHA Executive Director, or his/her designee, shall be responsible for deeming an application complete when subsections 1-3 are met.

B. **Approval Criteria.** Permits for private crossing improvements and consolidations shall comply with the following approval criteria:

1. All of the applicable standards of this policy and the specifications in Appendix A;
2. The State Highway Access Code, as applicable;

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3. Any applicable local government land use and access permit requirements (e.g., permit to construct in the public way);
4. Conservation Easement requirements, including: avoidance of adverse impacts to the open space, recreational, parks, and wildlife uses and values of the railroad corridor to the extent practicable. This shall be accomplished through careful consideration of alternative access alignments, consolidations, construction techniques, materials, and appropriate mitigation measures (e.g., erosion control, landscaping, screening, buffering, etc.); and
5. Plans for crossings to be closed shall provide a permanent barrier in accordance with RFRHA specifications (Appendix A).

C. ***RFRHA Review Process for Private Crossings.*** The following review procedures shall apply to applications for private crossings (i.e., new crossings and consolidations). For public crossing application procedures, please refer to the PUC.

1. Upon receiving a complete application, RFRHA shall distribute copies of the application to the affected local government(s) (i.e., those with land use jurisdiction), the Pitkin County Open Space Board, and Aspen Valley Land Trust, as applicable, for review and comment. RFRHA shall notify by certified letter all property owners directly adjacent to the parcel for which a permit is requested that an application for crossing improvements and/or consolidation has been made. A copy of said notice shall be posted at RFRHA offices and at the proposed crossing location. Additionally, RFRHA shall cause the notice to be published in at least one local newspaper. Notices shall provide information on the proposal, how to obtain copies of application materials, public meeting date and how to submit written comments. RFRHA reserves the right to make additional referrals as necessary to assist in its review.
2. RFRHA shall accept written comments on the application from agencies and other interested parties for a period of 30 days after the initial notice is posted at RFRHA offices.

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3. The RFRHA Board shall conduct a public meeting within 45 days of the application being accepted as complete. At the hearing, the Board shall approve, deny, or approve with conditions based on findings of fact all complete applications. The Board may also continue the hearing, as necessary, to request additional information from the applicant or staff.
4. Notice of the Board's decision shall be mailed to the applicant, and copies of the notice shall be provided to affected local government(s), state agencies, and interested parties who request a copy of the decision. The Board's decisions are final, except that decisions may be appealed to the court with jurisdiction.
5. RFRHA shall keep files with all permit decisions and findings of fact.

19.0 Adjustments to Standards.

The RFRHA Board may approve adjustments to this Policy upon finding that an adjustment is necessary to protect the public health, safety or welfare. "Adjustment" means a modification, waiver, or exemption to a standard or procedure. RFRHA shall prepare a notice when adjustments are made. The notice shall contain findings of fact, and be kept on file at RFRHA offices.

20.0 Coordination of Development Review With Local Jurisdictions

It is the policy of RFRHA to participate in the review of planning, zoning, and development applications, as necessary, to safeguard the interests of the railroad. RFRHA will coordinate with property owners, local governments, CDOT, and other affected agencies, in order to identify railroad crossing requirements at the earliest possible stage in the development review process (i.e., preferably before a formal application has been submitted to a local jurisdiction), consistent with the Access Control Plan Intergovernmental Agreement. Review by RFRHA staff of local planning, zoning, and development proposals does not imply approval of RFRHA permits or local land use applications.