



The Honorable Elaine L. Chao
Secretary
US Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

January 22, 2019

**Re: US DOT Assistance on Chambers Grade
Crossing Analysis and Hazardous Materials**

Dear Secretary Chao:

On behalf of our organizations, the Colorado Motor Carriers Association and Colorado-Wyoming Petroleum Marketers, who collectively represent over 800 companies in Colorado, we respectfully request that the US Department of Transportation intervene in regard to a serious safety concern regarding the Chambers Road Grade Crossing of the Regional Transportation District's (RTD) A Line Commuter Rail in Aurora, Colorado.

For some background on this issue, Colorado has four major distribution sites that provide almost all the gasoline, diesel, jet, and propane fuel for Colorado. One of those sites is the Pipeline Terminal in Aurora which provides more than 20% of the state's fuel. Fuel tank trucks travel into this center 24/7/ 365 to meet the public's needs. Hundreds of trucks go in and out of the site daily.

The pipeline terminal was constructed years ago near the intersection of Smith and Chambers Road. The most direct, shortest, and safest route to I-70 is Chambers Road. That changed in 2016 with the advent of the RTD A Line, where commuter trains now cross Chambers at an at-grade crossing every 7.5 minutes.

In September 2015, seven months before the opening of the A Line, our truckdrivers and safety directors, who were directly engaged in transporting fuel from that site, first brought forward concerns related to the Chambers Road Grade Crossing which we highlighted and discussed with RTD at that time. These professional hazardous materials transporters were worried about the safety of hundreds of hazardous material trucks interfacing with a high volume of commuter rail trains.

While a grade separation would have been the best solution, that option at this point in time has been viewed as too costly and disruptive since the A Line is in place. In lieu of a grade separation, it was suggested that a safe, alternate route for these hazardous material trucks be identified along with the needed improvements and funding for it. After a series of meetings over the next year which accomplished little, the Federal Rail Administration with our support encouraged RTD in mid-2017 to initiate a study to identify a safe alternate route. As part of this study, our groups noted that it was critical that some formal authorization be provided by the statutorily designated authorities, that this route represented an approved safe option despite it not being the most direct or shortest route. Unlike other motorists, hazardous material drivers must stay on the designated route. If not, they face fines and penalties and those companies could be sued in the case of an accident.

That study has not been completed nor is there a formally approved alternate route. A draft report was issued nine months ago but the report fell far short of expectations and reflected a lack of understanding of hazardous material transport and its unique challenges. So after three years, there has been no concrete movement in addressing this crossing which the FRA listed as a "high risk" crossing in 2017. Instead, and of even greater concern, RTD has indicated the capacity of the A Line will be increased later this month putting more people at risk in our eyes.

After a recent report by Colorado Public Radio on this issue, RTD has suggested that they would now complete the study. We cannot support nor condone such an approach. We do not believe that this is in the best interests of the public or our industries. For credibility on this important safety issue, it is essential that an unbiased, objective party with no conflicting interests conduct this analysis. Neither RTD or its contracted consulting firm, Jacobs Engineering, meet these criteria. For its part, Jacobs has been and continues to be a major engineering contractor with RTD which poses a clear conflict of interest and lack of independence in their review. For its part RTD constructed the A Line with an at-grade crossing on Chambers Road, failing to recognize that this was a major hazardous material route. This major oversight in the planning process has done much to create the issue that exists today. Because of their involvement in this situation, one cannot consider RTD an independent or unbiased party.

Further, RTD may be perceived to have a conflict of interest in overseeing this study due to potential financial implications. RTD has stated publicly that "funding was not identified or approved through the initial EIS" for these improvements which would mean that the responsibility and funding for those measures on the alternate route could ultimately fall on them or others. Having a party, who may be responsible for paying for some of the improvements, oversee this study is a substantial conflict of interest. Being that the City of Aurora and Denver Transit Partners (DTP), may also be perceived by the public as having similar conflicts on this matter, we believe that the oversight for the study be conducted by a party outside of those groups.

For all of the above-noted reasons we respectfully request that the US Department of Transportation through one of its agencies, such as the Federal Rail Administration, Federal Motor Carrier Safety Administration or Federal Highway Administration, with experience and knowledge in hazardous material transportation intervene on this serious safety matter. We would ask that one of these parties oversee and conduct/finalize an analysis that would provide a recommendation for an alternate route, the needed safety improvements on that corridor along with the costs for them, a formal approval process for the alternate route, and a suggested timetable for completing improvements. In the interests of safety, we ask that this analysis be conducted as early as possible so as to mitigate the potential risk that this crossing poses today.

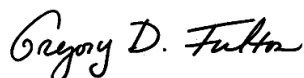
Along with the route analysis we would request that the Federal Rail Administration or Federal Highway Administration conduct a thorough review of the planning and design process for the A Line so as to identify what changes could be made in the future in the planning process so as to avoid another situation where a commuter rail line is built over a critical hazardous material route with an at-grade crossing.

Finally, in the interim we respectfully ask that the Federal Rail Administration issue an order to restore the crossing gate guards at the Chambers Road Grade Crossing. We ask that those guards remain in place until an alternate route has been identified and formally approved and improvements are underway.

Thank you for your consideration of this request.

Sincerely,

Sincerely,



Gregory Fulton
Pres., Colorado Motor Carriers Assoc.

Grier Bailey
Exec. Director, Colo.-Wyo. Petroleum Marketers Assoc.

CC: Governor Jared Polis
David Genova, General Manager, RTD
Mayor Bob Legare, City of Aurora
Rob Underwood, Pres., Petroleum Marketers Assoc. of America

Colorado Congressional Delegation
Chief Matt Packard, Colorado State Patrol
Chris Spear, President, American Trucking Assoc.