

RESOLUTION NO. 2017

**A RESOLUTION OF THE GOLDEN CITY COUNCIL
ENCOURAGING A REVIEW OF U.S. STATUTES AND RULES
GOVERNING THE BALANCE OF POWER BETWEEN LOCAL
GOVERNMENTS AND LAND GRANT RAILROADS**

WHEREAS, the powers granted to land grant railroads by President Abraham Lincoln during the American Civil War and upheld for more than 150 years no longer accommodates the needs of communities in the 21st century; and

WHEREAS, local governments need a greater ability to address current issues such as air quality, congestion, preservation of open space, safety, economic development, noise and land use planning that is not available with current land grant railroad regulations; and

WHEREAS, these limitations have affected such regional projects as FasTracks, a metro-Denver Regional Transportation District project to build a metropolitan passenger rail system to serve 42 municipalities in eight counties, that will manage congestion, air quality, sprawl, and land use in the Denver basin; and

WHEREAS, as local land use needs in cities and counties across the country are often in conflict with rail needs because of locations of rights of ways, unused rail lines, split estate mineral rights and other settlement and development conflicts regarding safety, shared use of rights of way, noise or the local movement of goods and people.

WHEREAS, community needs regarding safety, development, quality of life, transportation and local residential and commercial interests have evolved over time and should supersede regulations developed in the 19th century in order to best meet the challenges of building and maintaining strong communities and economies well into the 21st century.

WHEREAS, the City of Golden supports recent recommendation made to the Office of Intergovernmental Affairs and the U.S. Department of Transportation requesting that railroads be required to file 10-year capacity utilization and expansion plans; that there be a revision to the current permanent and conditional abandonment legislation to facilitate uses for property based on complete or conditional proceedings for public or private uses; that the Federal Railroad Administration develop regulations on safety warning, detection and barrier systems for freight and passenger rail to operate near each other; and requirements for local transit agencies to pay the cost of realignment of existing heavy lines when rights of way have been properly negotiated.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO:

Section 1. That the City of Golden encourages all local government members of Colorado Counties Inc., Colorado Municipal League and the Metro Mayors Caucus to more thoroughly define the issues and make recommendations for resolving them in order to achieve a thoughtful balance between local government and the railroads.

Adopted this 10th day of December, 2009.



Susan M. Brooks

Susan M. Brooks, MMC
City Clerk

Jacob Smith

Jacob Smith
Mayor

Approved as to form:

David S. Williamson

David S. Williamson
City Attorney

I, Susan M. Brooks, City Clerk of the City of Golden, Colorado, do hereby certify that the foregoing is a true copy of a certain Resolution adopted by the City Council of the City of Golden, Colorado at a regular business meeting thereof held on the 10th day of December, A.D., 2009.



ATTEST: *Susan M. Brooks*

Susan M. Brooks, City Clerk of the City of
Golden, Colorado