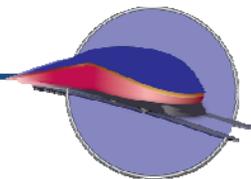


Project Name: TX- BNSF Ft Worth Sub Capitalized Maintenance – 1a Date of Submission: 8/24/09 Version Number: v1

High-Speed Intercity Passenger Rail (HSIPR) Program

Application Form



Track 1a–Final Design (FD)/Construction

& Track 4–FY 2009 Appropriations Projects

Welcome to the Track 1a Final Design (FD)/Construction and Track 4 Application for the Federal Railroad Administration’s High-Speed Intercity Passenger Rail (HSIPR) Program. Applicants for Track 1a FD/Construction and/or Track 4 are required to submit this Application Form and Supporting Materials (forms and documents) as outlined in Section G of this application and in the HSIPR Guidance.

We appreciate your interest in the program and look forward to reviewing your application. If you have questions about the HSIPR program or this application, please contact us at HSIPR@dot.gov.

Instructions:

- Please complete the HSIPR Application electronically. See Section G for a complete list of the required application materials.
- In the space provided at the top of each section, please indicate the project name, date of submission (mm/dd/yy) and the application version number. The distinct Track 1a and/or Track 4 project name should be less than 40 characters and follow the following format: State abbreviation-route or corridor name-project title (e.g., HI-Fast Corridor-Track Work IV).
- For each question, enter the appropriate information in the designated gray box. If a question is not applicable to your FD/Construction Project, please indicate “N/A.”
- Narrative questions should be answered concisely within the limitations indicated.
- Applicants must upload this completed application and all other application materials to www.GrantSolutions.gov by August 24, 2009 at 11:59pm EDT.
- Fiscal Year (FY) refers to the Federal Government’s fiscal year (Oct. 1- Sept. 30).
- Please direct questions to: HSIPR@dot.gov

A. Point of Contact and Applicant Information

(1) Application Point of Contact (POC) Name: Jennifer Moczygemba, P.E.		POC Title: Multimodal Section Director		
Street Address: 118 E. Riverside Drive	City: Austin	State: TX	Zip Code: 78704	Telephone Number: 512-486-5125
Fax: 512-416-2348		Email: jmoczyg@dot.state.tx.us		

(2) Name of lead State or organization applying (only States may apply for Track 4): Texas Department of Transportation

(3) Name(s) of additional States and/or organizations applying in this group (if applicable): N/A

(4) Is this project for which you are applying for HSIPR funding related or linked to additional applications for HSIPR funding that may be submitted in this or subsequent rounds of funding? Yes No Maybe
 If “yes” or “maybe,” provide the following information:

Program/Project Name	Lead Applicant	Track	Total HSIPR Funding Proposed (if known)	Status of Application
		Track 1a - FD/Construction	\$	Applied
		Track 1a - FD/Construction	\$	Applied
		Track 1a - FD/Construction	\$	Applied
		Track 1a - FD/Construction	\$	Applied
		Track 1a - FD/Construction	\$	Applied
		Track 1a - FD/Construction	\$	Applied
		Track 1a - FD/Construction	\$	Applied
		Track 1a - FD/Construction	\$	Applied

Project Name: TX - Fort Worth Sub Capitalized Maintenance- 1a Date of Submission: 8/24/09 Version Number: v1

B. Project Overview

<p>(1) FD/Construction Project Name: BNSF Fort Worth Sub Capitalized Maintenance Project</p>
<p>(2) Indicate the Track under which you are applying: Track 1a - FD/Construction <i>Please note if you are applying for Track 1a–FD/Construction and Track 4 concurrently, you must submit two separate versions of this application into www.GrantSolutions.gov (one for Track 1a –FD/Construction and one for Track 4–FY 2009 Appropriations Projects).</i></p>
<p>(3) Indicate the activity(ies) for which you are applying (check both if applicable):</p> <p style="text-align: center;"> <input type="checkbox"/> Final Design <input checked="" type="checkbox"/> Construction </p>
<p>(4) What are the anticipated start and end dates for the FD/Construction Project? (mm/yyyy)</p> <p style="text-align: center;"> Start Date: 02/2010 End Date: 12/2010 </p>
<p>(5) Total Cost of the FD/Construction Project (year of expenditure (YOE) Dollars*): \$ 8,492,604</p> <p style="text-align: center;">Please provide proposed inflation assumptions and methodology, if applicable in the space below. Please limit response to 1,000 characters.</p> <p>All cost projections in this application are based standard BNSF maintenance engineering estimates. All unit costs used are based on projected 2010 unit values. A 15% contingency factor is included in the \$8,492,604 project estimate to account for cost refinements and project bidding uncertainties. All contract bids will require the inclusion for all applicable material, fuel and labor escalators prior issuance of the final agreements.</p> <p>Of the total cost of the FD/Construction Project, how much would come from the FRA HSIPR Program: (YOE Dollars**) \$8,492,604</p> <p>Indicate percentage of total cost to be covered by <u>matching funds</u> 0%</p> <p><i>Applications submitted under Track 4 require at least a 50 percent non-Federal match to be eligible for HSIPR funding.</i></p> <p><small>* Year-of-Expenditure (YOE) dollars are inflated from the base year. ** This is the amount for which the applicant is applying.</small></p>
<p>(6) Project Overview Narrative. <i>Please limit response to 5,000 characters.</i></p> <p>Provide an overview of the main features and characteristics of the FD/Construction Project, including:</p> <ul style="list-style-type: none"> • The location of the project including name of rail line(s), State(s), and relevant jurisdiction(s) (include map if available in supporting documentation). • Identification of service(s) that would benefit from the project, the stations that would be served, and the State(s) where the service operates. • How the project was identified through a planning process and how the project is consistent with an overall plan for developing High-Speed Rail/Intercity Passenger Rail service. • How the project will fulfill a specific purpose and need in a cost-effective manner. • The project’s independent utility. • The specific improvements contemplated. • Any use of railroad assets or rights-of-way, and potential use of public lands and property. • Other rail services, such as commuter rail and freight rail that will make use of, or otherwise be affected by, the project. <p>Amtrak has continued to focus on the value of intercity passenger rail (IPR) since its inception. One viable segment of this national service network is the Texas Eagle (Amtrak 21/22) service connecting San Antonio and Chicago. The Texas Eagle, which dates back to 1948, is a once daily round-trip 1,308 mile service network from Chicago to San Antonio. With 26 total stops, the Eagle links up with Amtrak’s Sunset Limited, offering another 13 stops between Del Rio, TX and Los Angeles, CA. Since 2004,</p>

the Eagle has average annual ridership over 250,000 passengers, providing direct connections with several of the nations largest cities.

This project would reduce temporary speed restrictions for the Texas Eagle while it is hosted on the BNSF Fort Worth Subdivision (Fort Worth Sub) between Fort Worth and Temple, Texas - a distance of 128 miles.

This proposal's scope of work is based on the results of a performance improvement analysis that was completed by BNSF in 2008 and 2009. BNSF reviewed performance data, researched delay causes, and identified action steps to improve overall on-time performance of this important transportation service. The review found that the greatest delay not related to Amtrak (behind freight train interference associated with Tower 55) on the route was track condition-related slow orders. The analysis revealed that average speed restrictions for Amtrak between Fort Worth and Opal Junction of 25.9 minutes per train in 2007; 25.5 minutes per train in 2008 and YTD 2009 (Jan-Jul) 20.3 minutes per train.

The amount of maintenance performed by an owning freight railroad is determined by a combination of traffic type and service schedules. For example, high speed intermodal service requires extensive maintenance to address slow orders. Similarly, bulk commodities like grain and coal move at lower speeds, and service schedules are not as affected by slow orders. For a capital intensive freight railroad, any level of maintenance to reduce slow orders that is above and beyond a level required to protect freight service schedules hosted on a particular subdivision can not be financially justified.

The majority of the Ft Worth Sub's freight business is coal and bulk grain. Consistency (rather than speed) is the priority for bulk traffic, and of the 28 average freight trains per day that moved YTD in 2009, almost all move at 50 MPH or less. BNSF maintains the track of this subdivision to the level needed to protect this speed without excessive slow orders, and even then, massive amounts of capital are needed. The attached exhibit entitled "Fort Worth Sub Capitalized Maintenance" shows that BNSF has invested over \$41M since 2006 for maintenance of this subdivision.

Amtrak's Texas Eagle operates two daily trains at a maximum speed of 79 MPH over this route and is the only entity to do so. BNSF cannot financially justify maintaining the track and ballast structure on this heavy tonnage subdivision exclusively to provide precise high passenger speeds, so TxDOT is proposing a capitalized maintenance program consisting of the components listed in the Exhibit "Proposed Capitalized Maintenance Program - Ft Worth Sub". **This program as proposed would allow BNSF to commit to maintain average monthly speed restrictions for the Texas Eagle between the reporting points of Fort Worth, TX and Opal Junction, TX to no more than 16 minutes per train, subject to the terms and conditions set forth in this proposal.**

(7) Status of Activities: Are any FD or Construction activities that are part of this planned investment underway or completed?

Yes (Final Design) Yes (Construction) No

If "Yes," please describe the activities that are underway or completed in the table below.¹ If more than three activities, please detail in Section F of this application.

Activity	Description	Completed? (If yes, check box)	Actual Initiation Date (mm/yyyy)	Actual or Anticipated Completion Date (mm/yyyy)
		<input type="checkbox"/>		
		<input type="checkbox"/>		
		<input type="checkbox"/>		

(8) Describe the project service objectives (check all that apply):

¹ Please note: (a) requests for reimbursement of costs incurred prior to enactment of the relevant appropriations will not be considered and (b) supporting documentation for activities may also be required as noted in Appendix 2 of the HSIPR Guidance.

- Additional Service Frequencies
- Improved Service Quality
- Improved On-Time Performance on Existing Route

- Increased Average Speeds/Shorter Trip Times
- Other (Please Describe): Support to improve service on High Speed Rail corridor development.

(9) Types of capital investments contemplated (check all that apply):

- Structures (bridges, tunnels, etc.)
- Track Rehabilitation
- New or restored sidings/passing tracks
- Major Interlockings
- Station(s)
- Communication, Signaling and Control

- Rolling Stock Refurbishments
- Rolling Stock Acquisition
- Support Facilities (Yards, Shops, Admin. Buildings)
- Grade Crossing Improvements
- Electric Traction
- Other (Please Describe):

(10) Right-of-Way-Ownership. Provide information for all railroad right-of-way owners in the FD/Construction Project area. Where railroads currently share ownership, identify the primary owner. *If more than three owners, please detail in Section F of this application.*

Type of Railroad	Railroad Right-of-Way Owner	Route Miles	Track Miles	Status of Agreements to Implement Projects
Amtrak	Amtrak	1308	1308	Master Agreement in Place
Class 1 Freight	BNSF Railway	128	128	Master Agreement in Place

(11) Services. Provide information for all existing rail services within project boundaries (freight, commuter, and intercity passenger). *If more than three services, please detail in Section F of this application.*

Type of Service	Name of Operator	Top Speed Within Project Boundaries		Number of Route-Miles Within Project Boundaries	Average Number of Daily One-Way Train Operations ² within Project Boundaries	Notes
		Passenger	Freight			
Intercity Passenger	Amtrak	79 MPH		128	2	
Freight	BNSF Railway		55 MPH	128	28	

(12) Rolling Stock Type. Describe the fleet of locomotives, cars, self-powered cars, and/or trainsets that would be intended to provide the service upon completion of the project. *Please limit response to 1,000 characters.*

While increased frequency and trains sets are not a direct expectation of the Ft Worth Sub Capitalized Maintenance Project, the OTP improvements expected to increase potential ridership, promoting future implementation of proposed additional route services along the existing designated High Speed Rail Corridor.

The consist for Trains 21 and 22 are most typically made up of 1 GE Genesis P42 passenger locomotive, 1 Superliner dorm sleeper, 1 Superliner sleeper, 1 Cross Country Café, 1 Sightseer Lounge, 2 Superliner coaches and 1 coach-baggage car with a 12 hour turn around at each end of the service route.

² One daily round-trip train operation should be counted as two daily one-way train operations.

(13) Intercity Passenger Rail Operator. Provide the status of agreements with partners that will operate the benefiting high-speed rail/intercity passenger rail service(s) upon completion of the planned investment (e.g., Amtrak).
Name of Operating Partner: Amtrak
Status of Agreement: Final executed agreement on project scope/outcomes

(14) Benefits to Other Types of Rail Service(s). Are benefits to non-intercity-passenger rail services (e.g., commuter, freight) foreseen?
 Yes No
If “Yes”, provide further details in Section E, Question 2.

Project Name: BNSF Fort Worth Sub Capitalized Maintenance Project Date of Submission: 8/24/09 Version Number: v1

C. Eligibility Information

(1) Select applicant type, as defined in Appendix 1.1 of the HSIPR Guidance (only States may apply for Track 4):

- State
- Amtrak

If one of the following, please append appropriate documentation as described in Section 4.3.1 of the HSIPR Guidance:

- Group of States
- Interstate Compact
- Public Agency established by one or more States
- Amtrak in cooperation with a State or States

(2) Establish Completion of Preliminary Engineering. In the space(s) below, please list the documents that establish completion of Preliminary Engineering for the project covered by this application. See HSIPR Guidance Appendix 2.2. If more than four references need to be listed, please place the additional information in Question F.

Document Name	Completion Date (mm/yyyy)
N/A – (Project is for capitalized maintenance within existing right of way – all design, work methods per developed BNSF standards. No project specific engineering required)	

(3) Establish Completion of NEPA Documentation (the date document was issued and how documentation can be verified by FRA). The following are approved methods of NEPA verification (in order of FRA preference): 1) References to large EISs and EAs that FRA has previously issued, 2) Web link if NEPA document is posted to a website (including www.fra.gov), 3) Electronic copy of non-FRA documents attached with supporting documentation, or 4) a hard copy of non-FRA documents (large documents should not be scanned but should be submitted to FRA via an express delivery service). See HSIPR Guidance Section 1.6 and Appendix 3.2.9.

Documentation	Date (mm/yyyy)	Describe How Documentation Can be Verified
<input checked="" type="checkbox"/> Categorical Exclusion Documentation	08/2009	Copy of CATEX provided to FRA Attached
<input type="checkbox"/> Final Environmental Assessment		
<input type="checkbox"/> Final Environmental Impact Statement		

(4) Indicate if there is an environmental decision from FRA (date document was issued and web hyperlink if available).

Documentation	Date (mm/yyyy)	Hyperlink (if available)
<input type="checkbox"/> Categorical Exclusion Determination		Pending FRA Review
<input type="checkbox"/> Finding of No Significant Impact		
<input type="checkbox"/> Record of Decision		

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D. Public Return on Investment

(1) 1A. Transportation Benefits. See HSIPR Guidance Section 5.1.1.1. Please limit response to 8,000 characters:

How is the project anticipated to improve Intercity Passenger Rail (IPR) service? Describe the overall transportation benefits, including information on the following (*please provide a level of detail appropriate to the type of investment*):

- IPR network development: Describe improvements to intermodal connections and access to stations as well as actual and potential expansions to the IPR network that may result from the project (including opportunities for interoperability with other services).
- IPR service performance improvements (*also provide specific metrics in table 1B below*): Please describe service performance improvements directly related to the project, as well as a comparison with the existing service (*without project*). Describe relevant reliability improvements (e.g., increases in on-time performance, reduction in operating delays), reduced schedule trip times, increases in frequencies, aggregate travel time savings (resulting from reductions to both schedule time and delays, expressed in passenger-minutes), and other relevant performance improvements.
- IPR service results (*also provide specific metrics in table 1B below*): Describe relevant outcomes of the service improvement such as increases in ridership, passenger-miles, and other results in comparison with the existing service (*without project*).
- Suggested supplementary information (*only when applicable*):
 - Transportation Safety: Describe overall safety improvements that are anticipated to result from the FD/Construction Project, including railroad and highway-rail grade crossing safety benefits, and benefits resulting from the shifting of travel from other modes to safer IPR service.
 - Cross-modal benefits from the FD/Construction Project, including benefits to:
 - ✓ Commuter Rail Services – Service improvements and results (applying the same approach as for IPR above).
 - ✓ Freight Rail Services – Service performance improvements (e.g., increases in reliability and capacity), results (e.g. increases in ton-miles or car-miles of the benefiting freight services), and/or other congestion, capacity or safety benefits.
 - ✓ Congestion Reduction/Alleviation in Other Modes; Delay or Avoidance of Planned Investments – Aviation and highway congestion reduction/alleviation, and/or other capacity or safety benefits. Describe any planned investments in other modes of transportation that may be avoided or delayed due to the improvement to IPR service that will result from the project.

As previously noted, BNSF maintains the infrastructure of the Fort Worth Subdivision to a level necessary to fulfill its freight service schedules. In order to maintain infrastructure to the level necessary to exclusively accommodate Amtrak's higher speeds at a maximum of 79 MPH, additional funding is needed above and beyond BNSF's normal capitalized maintenance program required to support standard freight train service, the majority of which move over the Ft Worth Sub at a speed of 50 MPH or less.

BNSF's Contractual Obligations Regarding the Maintenance of Track Used in Amtrak Service

BNSF and Amtrak have identified each other's responsibilities regarding the maintenance of track used by Amtrak intercity passenger trains under the "Agreement between National Railroad Passenger Corporation and Burlington Northern Railroad Company and the Atchison, Topeka and Santa Fe Railway Company", dated September 1, 1996. As stated in that Agreement, "The routes, schedules, and consists shall be compatible with the physical capabilities of BNSF". In addition, the agreement goes on to state that, "Amtrak and BNSF agree that there is an incremental increase in the cost of maintaining Rail Lines of BNSF which results from the operation of Amtrak trains (such costs hereafter referred to as "incremental costs"). Amtrak and BNSF further agree that such incremental costs are distinct from (and do not include any) costs which may be involved in maintaining BNSF's Rail Lines at not less than the level of utility (including the speeds set forth in Appendix I) on the later of the effective date of this Agreement or the date of the beginning of their use by Amtrak, rather than at some low level of utility."

Consistent with the Texas Division Timetable now in place, the Class of Track across the Ft Worth Sub has remained unchanged since the BNSF/Amtrak Agreement referenced above since 1996. On the other hand, slow orders have varied over the years and they vary as the seasons change, as illustrated by slow order charts in the attached Exhibit "Slow Order Charts". BNSF has recognized its need to invest heavily in the Fort Sub and plans to continue to do so. Recent BNSF maintenance expenditures are summarized in the attachment Exhibit "Fort Worth Subdivision Capitalized Maintenance".

BNSF's freight service on the Fort Worth Sub can accept temporary, seasonal slow order fluctuations. To keep temporary, seasonal slow orders at a level consistent with the assumptions of Amtrak's public timetable, higher levels of capital investments would be needed. However, while Amtrak contributes to the daily inspection and maintenance of the rail lines over which they operate, they do not contribute to the capitalized replacement of rail, ties, and ballast or the capitalized surfacing of the rail – work that contributes to improved ride quality and a reduction in slow orders.

Track Rehabilitation Practices at BNSF

As the data clearly show, BNSF invests every year in the rehabilitation of its track across the Ft Worth Sub. This work results in temporary slow orders when it is being undertaken. However, because of sub-grade conditions, the amount of rain the Subdivision receives every year, and Amtrak's request to leave unchanged its current schedule for Amtrak 21 and 22, seasonal slow orders routinely exceed the recovery time built into the Amtrak's public timetables.

To bring the base number of temporary, seasonal slow order minutes down to a point where Amtrak requests to see slow order minutes below Amtrak 21 and 22's scheduled recovery time, an incremental investment in specific track improvements would be necessary. This list of improvements is detailed in the Exhibit entitled "Proposed Capitalized Maintenance Program - Ft Worth Sub".

Benefits

Records indicate that recent average speed restrictions for Amtrak between Fort Worth, TX and Opal Junction, Texas were as follows:

2007: 25.92 minutes per train

2008: 25.46 minutes per train

2009 YTD: 20.35 minutes per train

After implementation of the capitalized maintenance project detailed herein, BNSF would commit to reduce the average monthly speed restrictions for Amtrak 21 and 22 between Fort Worth, TX and Opal, Junction to 16 minutes per train. Compared to 2008 levels, this represents an average delay savings of 9.46 minutes per one-way trip.

BNSF's service level proposal is subject to the following terms and conditions:

- A 16 minute average monthly speed restriction target per train between Fort Worth and Opal Junction , TX would apply for a period not to exceed 4 years after the final completion of the proposed scope of work
- The computation of monthly speed restriction results would exclude impacts of (a) force majeure events; (b) speed restrictions associated with signal outages (c) speed restrictions associated with disturbed track (d) speed restrictions associated with Amtrak related delays

1B. Operational and Ridership Benefits Metrics: In the table(s) below, provide information on the anticipated transportation benefits and ridership changes projected to result from the project. Please do not include benefits and changes that would occur even if the project is not implemented (for example, as a result of population or economic growth factors).

Project/Program Metric	Actual— FY 2008 levels	Projected Totals by Year (Actual Levels <u>Plus</u> Project-Caused Changes Only)		“X” If N/A or Unsure
		First Full Year After Project Completion	Fifth Full Year After Project Completion	
Annual passenger-trips				<input checked="" type="checkbox"/>
Annual passenger-miles (millions)				<input checked="" type="checkbox"/>
Annual IPR seat-miles offered (millions)				<input checked="" type="checkbox"/>
Average number of daily round train trip operations (typical weekday)				<input checked="" type="checkbox"/>
On-time performance (OTP) ³ – percent of trains on time at endpoint terminals	21.8% (2008)			<input checked="" type="checkbox"/>
Average train operating delays: minutes of en-route delays per 10,000 train-miles ⁴	25.46 min	Eagle -9.46min (BNSF)	Eagle -9.46 min (BNSF)	<input type="checkbox"/>
Top operating speed (mph)				<input checked="" type="checkbox"/>
Average scheduled operating speed (mph) (between endpoint terminals)		No change	No change	<input type="checkbox"/>

(2) 2A. Economic Recovery Benefits. *This section is required for Track 1a, and optional for Track 4. Please limit response to 4,000 characters. For more information, see Section 5.1.1.2 of the HSIPR Guidance.*

Describe the contribution the FD/Construction Project is intended to make towards economic recovery and reinvestment, including information on the following:

- How the project will result in the creation and preservation of jobs, including number of onsite and other direct jobs (on a 2,080 work-hour per year, full-time equivalent basis), and timeline for achieving the anticipated job creation.
- How the different phases of the project will affect job creation (consider the construction period vs. operating period)
- How the project will create or preserve jobs or new or expanded business opportunities for populations in Economically Distressed Areas (consider the construction period vs. operating period)
- How the project will result in increases in efficiency by promoting technological advances.
- How the project represents an investment that will generate long-term economic benefits (including the timeline for

³ As calculated and reported by Amtrak according to its existing procedures and definitions. An example can be found at page E-7 of the May 2009 Monthly Performance Report at <http://www.amtrak.com/pdf/0905monthly.pdf>. ‘On-time’ is defined as within the distance-based thresholds originally issued by the Interstate Commerce Commission, which are: 0 to 250 miles and all Acela trains—10 minutes; 251 to 350 miles—15 minutes; 351 to 450 miles—20 minutes; 451 to 550 miles—25 minutes; and 551 or more miles—30 minutes.

⁴ As calculated by Amtrak according to its existing procedures and definitions. Useful background can be found at pages E-1 through E-6 of Amtrak’s May, 2009 Monthly Performance Report at <http://www.amtrak.com/pdf/0905monthly.pdf>

- achieving economic benefits and describe how the project was identified as a solution to a wider economic challenge)
- If applicable, how the project will help to avoid reductions in State-provided essential services.

This project will carry economic recovery benefits mainly through the retention / creation of jobs in the following categories:

1. Project management oversight
2. Site preparation, and actual maintenance construction work
3. Track material supply jobs associated with manufacture of components to replace material taken from inventory

Following the completion of the proposed scope of work direct job growth may or may not be directly attributable to the project, but due to the efficiency improvements in traffic flow over the Ft Worth Sub, indirect jobs are likely to be created attributable to increased ridership resulting from better OTP and increased reliability.

The specific number of jobs created or retained by this project is dependent upon many factors including project scheduling, availability of materials, award of contract bids, and other factors. In terms of the project's national economic impact, U.S. Department of Commerce data indicate that every dollar of rail infrastructure investment generates more than three dollars in total economic output because of the investment, purchases, and employment occurring among upstream suppliers. All told, each \$1 billion of new rail investment creates an estimated 20,000 jobs nationwide. Using this methodology, the \$8,492,604 amount associated with this grant has the potential to create 170 jobs during construction.

The long term benefits of this project are expected to be derived from the increased reliability and efficiency of passenger train operations over the Ft Worth Sub. Increased certainty of on-time performance is expected to drive ridership increases, which in turn offsets operating costs for Amtrak and benefits the communities that the Texas Eagle serves. The timeline for these benefits as set forth above would be for no more than four years after the completion of the project scope.

2B. Job Creation: Provide the following information about job creation through the life of the FD/Construction Project. Please consider construction, maintenance, and operations jobs.

	FD/ Construction Period	First full Year of Operations	Fifth full Year of Operations
Anticipated number of <u>annual</u> onsite and other direct jobs created (on a 2080 work-hour per year, full-time equivalent basis)	170	N/A	N/A

(3) Environmental Benefits. *Please limit response to 4,000 characters.*

How will the FD/Construction project improve environmental quality, energy efficiency, and reduction in the Nation’s dependence on oil? Address project-caused changes in the following:

- Any projected reductions in key emissions (CO₂, O₃, CO, PM_x, and NO_x) and their anticipated effects. Provide any available forecasts of emission reductions from a baseline of existing service for the first and fifth years of full operation (*provide supporting documentation if available*).
- Any expected energy and oil savings from traffic diversion from other modes and changes in the sources of energy for transportation. Provide any available information on changes from the baseline of the existing service for the first and fifth years of full operation (*provide supporting documentation if available*).
- Use of green methods and technologies. Address green building design, “Leadership in Environmental and Energy Design” building design standards, green manufacturing methods, energy efficient rail equipment, and/or other environmentally-friendly approaches.

Subject to the terms and conditions specified in this application, the project is expected to reduce average Amtrak speed restriction delay between Fort Worth, TX and Opal Junction, TX from 25.46 minutes per train (2008 level) to 16 minutes per train. This represents a possible 9.46 minutes of average delay saved per trip (over 2008 levels).

The reduced diesel fuel burn the project would provide results in reduced emissions of CO₂, O₃, CO, PM_x, and NO_x. To estimate the amount of reduced emissions the project would generate, hours of run time need to be converted to tons of various pollutants

emitted by converting hours of train delay to gallons of fuel burned. The amount of fuel burned is dependent upon type of locomotive assumed, type of engine activity assumed (idling or running), and delay.

At the time of application, BNSF was unable to provide completed analysis and metrics that detail the total emission reductions associated with the reductions of speed restrictions on the Fort Worth Sub. Never-the-less, it can be inferred that the reduced slow orders would reduce locomotive acceleration, deceleration, and idling, in addition to improved on-time performance for Amtrak. These outcomes would provide four parallel emission reduction benefits (a) reduced Amtrak locomotive emissions (b) reduced freight locomotive emissions (c) reduced vehicular emissions related to lesser wait times for at-grade public crossings as slower trains pass and (d) an indirect emission reduction from the conversion of vehicle trips to intercity passenger rail trips using the Texas Eagle, with the potential additional benefit of converting single occupancy vehicles largely utilized by the business traveler.

(4) Livable Communities Project Benefits Narrative. *(For more information, see Section 5.1.1.3 of the HSIPR Guidance, Livable Communities). Please limit response to 3,000 characters.*

How will the FD/Construction Project foster Livable Communities? Address the following:

- Integration with existing high density, livable development: Provide specific examples, such as (a) central business districts with walking/biking and (b) public transportation distribution networks with transit-oriented development.
- Development of intermodal stations: Describe such features as direct transfers to other modes (both intercity passenger transport and local transit).

A livable community offers safety, education, parks, good jobs, affordability and mobility. Livability is sustained by connectivity, allowing for ease of travel for work, play and school. While inner-city public transportation fosters livability at the individual city level, Amtrak provides connectivity between these communities spread out over thousands of miles. The proposed scope of work improvements to the Ft Worth Sub would allow Amtrak passengers more time to enjoy their communities.

Livable communities offer safety, education, parks, good jobs, affordability, and mobility. Livability is sustained by connectivity, allowing for ease of travel for work, play, and school. While inner-city public transportation such as bus or light rail systems fosters livability at the individual city level, Amtrak provides connectivity between these communities spread out over thousands of miles. This project would improve the reliability of the Texas Eagle's schedule, promoting and encouraging the development of reliable intermodal connections and transit-oriented development.

The Eagle offers daily service along 26 stops between Chicago and San Antonio, with options to continue to Los Angeles along Amtrak's Sunset Limited service originating in New Orleans. The Eagle offers true connectivity between large and small cities on the east and west coasts, and is the quintessential example of inter-city passenger rail. The main cities along this route, Chicago, Dallas/Ft. Worth and Los Angeles, are the model of public transportation, offering passengers unlimited access to all the cities have to offer. All of these services depend upon the reliability of the Texas Eagle's schedule to maintain the integrity of their own schedules. This high level of schedule integrity is essential to maintaining the quality and livability for both rural and high density communities alike.

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E. Project Success Factors

(1) Project Management Approach and Applicant Qualifications Narrative: *Please provide separate responses to each of the following. Additional information on project management is provided in Section 5.1.2.1 of the HSIPR Guidance, Project Management.*

1A. Applicant qualifications. *Please limit response to 2,000 characters.*

Management experience: Does the applicant have experience in managing rail investment projects and managing projects of a similar size and scope to the one proposed in this application?

Yes - Briefly describe experience (brief project(s) overview, dates)

No- Briefly describe expected plan to build technical and managerial capacity; provide reference to Project Management Plan.

The railroad project funding will be administered by TxDOT through a written agreement with the railroad to provide the work through railroad force account. The railroad will provide plans, specifications, and estimates for the project which will be attached to the agreement as an exhibit and as a detailed project description.

The agreement requires the railroad and/or its contractors to provide a comprehensive general liability insurance policy, a

contractor’s protective liability insurance policy, and railroad protective liability insurance, providing a limit of not less than \$2,000,000 aggregate for all occurrences.

The agreement stipulates that development of the project must comply with the National Environmental Policy Act and the National Historic Preservation Act and stipulates how the cost of any environmental mitigation or remediation will be included in the project costs.

The agreement requires the railroad to comply with all applicable provisions of the American Recover and Reinvestment Act of 2009 (ARRA), including all reporting requirements, audits, examination of records, and identifies specific reporting and auditing requirements by ARRA Section. The agreement includes the requirement for all parties to comply with all federal, state, and local laws, statues, ordinances, rules, regulations, and orders and decrees of any courts or administrative bodies. The agreement includes a lobbying certification in which the parties certify that no appropriated funds have been or will be used for lobbying efforts.

When the agreement is finalized and signed by both parties, and the grant agreement is executed with the FRA and funds obligated, the project will proceed through the railroad force account process as detailed above. Monthly invoices will be submitted for work completed and paid after audit and verification of the work reported. TxDOT would then submit billings to the FRA for reimbursement.

This process is the same process that TxDOT has used for many years for grade crossing improvements and is a well established process.

1B. Describe the organizational approach for the different project stages included in this application (final design, construction), including the roles of staff, contractors and project stakeholders in implementing the project. For construction activities, provide relevant information on work forces, including railroad contractors and grantee contractors. Please limit response to 2,000 characters.

A diverse cross functional team has and will be assembled to implement and manage the Fort Worth Sub Capitalized Maintenance Project. The project team currently consists of applicable members of the Texas Department of Transportation and BNSF Railway with support from professional consultants. Through the contribution of this inclusive team, a project plan was developed including scope development, NEPA review, and construction.

Pending HSIPR funding award, it is currently planned for the Texas Department of Transportation to act as the governing agency in control of funding allocation and budgetary review and the BNSF Railway as the project implementer responsible for project management, field review and completion of rail relay.

Please also see Section F - Additional for a copy of BNSF's Business Process Framework for ARRA Funded Projects, This business process outlines BNSF's internal process to manage, administer, report, and comply with specific ARRA funding guidelines and requirements.

1C. Does the FD/Construction Project require approval by FRA of a waiver petition from a Federal railroad safety regulation? (Reference to, or discussion of, potential waiver petitions will not affect FRA’s handling or disposition of such waiver petitions.)

- YES- If yes, explain and provide a timeline for obtaining the waivers
- NO

Please limit response to 1,500 characters.

1D. Provide a preliminary self-assessment of project uncertainties and mitigation strategies (consider funding risk, schedule and budget risk and stakeholder risk). Describe any areas in which the applicant could use technical assistance, best practices, advice or support from others, including FRA. Please limit response to 2,000 characters.

The inclusive scope of work is financially reasonable, constructible, and meets all parties’ operational needs; however, risks from project uncertainties do exist. To alleviate the impact of these risks, a risk assessment was performed to identify key drivers and mitigation strategies. As part of this process, risks were categorized as Stakeholder, Funding/Budgetary, and Schedule risks with risks preventing project implementation labeled as non-starter.

Stakeholder risks are those relative to agreements and assurances. While unlikely, one main risk was identified: stakeholder scope and agreement incongruity. To mitigate agreement incongruity, a Scope and Terms Agreement for pre-concurrence in advance of potential HSIPR funding award will be implemented.

Three Funding/Budgetary risks were identified: 1) non-award of HSIPR funding, 2) bid overruns and 3) scope creep. The impact of non-award of HSIPR is a non-starter risk for the Ft Worth Sub Capitalized Maintenance project. All efforts to develop an effective project resulting in positive impacts to high speed rail and economic recovery were taken to mitigate this risk. As for bid overruns, a cross-team review process was utilized to ensure that all scope items were inclusive and accounted for in the estimates. The risk of scope creep will be mitigated by the Scope and Terms Agreement.

Finally, two Schedule risks were identified: 1) weather impacts and 2) material acquisition. To mitigate the occurrence and impact of these risks, a phasing plan has been developed to condense the critical path with concurrent construction activity.

(2) Stakeholder Agreements Narratives. *Additional information on Stakeholder Agreements is provided in Section 5.1.2.2 of the HSIPR Guidance.*

Under each of the following categories, describe the applicant’s progress in developing requisite agreements with key stakeholders. In addition to describing the current status of any such agreements, address the applicant’s experience in framing and implementing similar agreements, as well as the specific topics pertaining to each category.

2A. Ownership Agreements – Describe how agreements will be finalized with railroad infrastructure owners listed in the “Right-of-Way Ownership” and “Service Description” tables in Section B. If appropriate, “owner(s)” may also include operator(s) under trackage rights or lease agreements. Describe how the parties will agree on project design and scope, project benefits, project implementation, use of project property, project maintenance, scheduling, dispatching and operating slots, project ownership and disposition, statutory conditions and other essential topics. Summarize the status and substance of any ongoing or completed agreements. *Please limit response to 2,000 characters.*

Considering that the project involves property of the BNSF Railway, all parties have worked collectively to produce an agreeable scope of work. A high-level construction schedule is understood by all Parties which will meet ARRA HSR Track 1 requirements. TxDOT will assume responsibility for overseeing overall project progression and budget. Due to existing collective bargaining agreements, all construction activities will be the sole responsibility of the BNSF for work performed on its own property and as such, all Parties agree that the Railroads will own all improvements on their respective properties, including sole responsibility for all operations and maintenance in perpetuity.

Within the terms specified in this proposal, TxDOT, and USDOT will have no future obligation to maintain or contribute to this facility once construction has been completed. Per operational agreements between Amtrak and BNSF, as they are today or amended or replaced in the future, Amtrak will pay portion of the cost to maintain BNSF way and structure, excluding capitalized maintenance and expansion capital costs not related to their service. Once the project is fully funded, the BNSF and TxDOT will enter into Construction and Maintenance (C&M) agreements which formalize the above terms consistent with the requirements of the Parties and the ARRA. These C&M agreements are predominantly standard form, and have been successfully entered into and fully executed numerous times previously by the BNSF and TxDOT.

Additionally, passenger operations affected by this project are in place now and are already controlled by existing operating agreements between the BNSF and Amtrak. Per the current operational agreements, it is agreed to by all parties that dispatching and operating protocols establish the priority of Amtrak passenger trains and that these terms ensure that congestion relief benefits will first accrue to passenger service.

2B. Operating Agreements – Describe the status and contents of agreements with the intended operator(s) listed in “Services” table in the Project Overview section above. Address project benefits, operation and financial conditions, statutory conditions, and other relevant topics. *Please limit response to 2,000 characters.*

A solidified operating agreement between the National Railroad Passenger Corporation (Amtrak) and Burlington Northern Railroad Company and The Atchison, Topeka and Santa Fe Railway Company exists and is valid.

By statute and under the Agreement, BNSF agrees to provide Amtrak with the use of facilities and the service requested by Amtrak for or in connection with the operation of Amtrak’s Intercity Rail Passenger Service, including the carrying of mail and express on Intercity Rail Passenger Trains to the extent authorized by the Act (Title 49 USC Section 24101 et seq.).

In addition, BNSF agrees under the Agreement to “provide and furnish all labor, materials, equipment and facilities necessary to perform the service to be provided” under Sections 3.1 and 3.2 (Basic Service, and New, or Emergency Service) of the Agreement.

Finally, the Agreement ensures that “BNSF shall cooperate in good faith with Amtrak in providing service which will contribute to the success of Amtrak’s Intercity Rail Passenger Service.” In that regard, BNSF has worked closely with Amtrak management, as well as the Texas Department of Transportation officials, in the identification of projects and capital investments needed to improve Amtrak service.

This application puts forth such proposed infrastructure improvements to improve the viability of the Texas Eagle Amtrak service by maximizing OTP and run time reliability through alleviating the congestion constraints over the Ft Worth Sub..

2C. Selection of Operator – This question applies to Track 1a only. If the proposed operator railroad was not selected competitively, please provide a justification for its selection, including why the selected operator is most qualified, taking into account cost and other quantitative and qualitative factors, and why the selection of the proposed operator will not needlessly increase the cost of the project or of the operations that it enables or improves. *Please limit response to 1,000 characters.*

N/A

2D. Other Stakeholder Agreements – Provide relevant information on other stakeholder agreements including State and local governments. *Please limit response to 2,000 characters.*

N/A

2E. Agreements with operators of other types of rail service – Describe any cost sharing agreements with operators of non-intercity passenger rail service (e.g., commuter, freight). *Please limit response to 2,000 characters.*

BNSF could realize benefits from this project if there is less freight train staging associated with Amtrak 21 and 22 having fewer variable delays and taking less time to move across the Ft Worth Sub..

(3) Financial Information.

3A. Capital Funding Sources. Please provide the following information about your funding sources (if applicable).

Non FRA Funding Sources	New or Existing	Status of Funding ⁵	Type of Funds	Dollar Amount	% of Project	Describe Uploaded Supporting
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⁵ Reference Notes: The following categories and definitions are applied to funding sources:

Committed: Committed sources are programmed capital funds that have all the necessary approvals (e.g. legislative referendum) to be used to fund the proposed project/program without any additional action. These capital funds have been formally programmed in the State Rail Plan and/or any related local, regional, or State Capital Investment Program CIP or appropriation. Examples include dedicated or approved tax revenues, State capital grants that have been approved by all required legislative

	Funding Source?			(YOE Dollars)	Cost	Documentation to Help FRA Verify Funding Source

3B. Capital Investment Financial Agreements: Describe any cost sharing contribution the applicant intends to make towards the FD/Construction Project, including its source, level of commitment, and agreement to cover cost increases or financial shortfalls. Describe the status and nature of any agreements between funding stakeholders that would provide for the applicant’s proposed match, including the responsibilities and guarantees undertaken by the parties. Provide a brief description of any in-kind matches that are expected. *Please limit response to 2,000 characters.*

The applicant (Texas Department of Transportation) does not intend to participate in any of the estimated costs of this project; however, the project would be located on the BNSF Railway, which has agreed to take responsibility for all cost overruns. .

3C. Operating Financial Plan: Does the applicant expect that the State operating subsidy requirements for the benefiting intercity passenger rail service will significantly increase, as a result of the project, during the first five years after project completion?

Yes No

If “Yes,” please complete the table below (in YOE dollars) and answer the following questions. *Please limit response to 2,000 characters.*

- (a) How did you project future State operating subsidies for the benefiting service(s); and
- (b) What are the source, nature, and likelihood of the funding that will enable the State to finance the projected increases in annual operating subsidies due to the project?

bodies, cash reserves that have been dedicated to the proposed project/program, and additional debt capacity that requires no further approvals and has been dedicated by the sponsoring agency to the proposed project/program.

Budgeted: This category is for funds that have been budgeted and/or programmed for use on the proposed project but remain uncommitted, i.e., the funds have not yet received statutory approval. Examples include debt financing in an agency-adopted CIP that has yet to be committed in their near future. Funds will be classified as budgeted where available funding cannot be committed until the grant is executed, or due to the local practices outside of the project sponsor's control (e.g., the project development schedule extends beyond the State Rail Program period).

Planned: This category is for funds that are identified and have a reasonable chance of being committed, but are neither committed nor budgeted. Examples include proposed sources that require a scheduled referendum, requests for State/local capital grants, and proposed debt financing that has not yet been adopted in the agency's CIP.

Subsidy	Actual— FY 2009 levels (YOE Dollars)	Projected Totals by Year (Actual Levels <u>Plus</u> Project Caused Changes Only) (YOE Dollars)											
		First Full Year After Project Completion	Fifth Full Year After Project Completion										
State operating subsidy (total for all benefiting services)	N/A	N/A	N/A										
<p>(4) Financial Management Capacity and Capability – Provide audit results and describe applicant capability to absorb potential cost overruns, financial shortfalls, or financial responsibility for potential disposition requirements (include as supporting documentation as needed). Provide statutory references/ legal authority to build and oversee a rail capital investment. <i>Please limit response to 2,000 characters.</i></p> <p>All maintenance associated with this project would be performed on the Ft Worth Sub of the BNSF Railway. BNSF has provided TxDOT with all cost estimates for this project, including contingencies. In the event of funding award, BNSF and its contractors would perform all work for this project and BNSF would be responsible for cost overruns or financial shortfalls.. .</p>													
<p>(5) Timeliness of Project Completion – Provide the following information on the dates and duration of key activities, if applicable. <i>For more information, see Section 5.1.3.1 of the HSIPR Guidance, Timeliness of Project Completion.</i></p> <table border="1"> <tr> <td>Final Design Duration:</td> <td>N/A months</td> </tr> <tr> <td>Construction Duration:</td> <td>10 months</td> </tr> <tr> <td>Rolling Stock Acquisition Duration:</td> <td>N/A months</td> </tr> <tr> <td>Rolling Stock Testing Duration:</td> <td>N/A months</td> </tr> <tr> <td>Service Operations Start date:</td> <td>Concurrent during construction</td> </tr> </table>				Final Design Duration:	N/A months	Construction Duration:	10 months	Rolling Stock Acquisition Duration:	N/A months	Rolling Stock Testing Duration:	N/A months	Service Operations Start date:	Concurrent during construction
Final Design Duration:	N/A months												
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Rolling Stock Testing Duration:	N/A months												
Service Operations Start date:	Concurrent during construction												
<p>(6) If applicable, describe how the project will promote domestic manufacturing, supply and other industries, including United States-based equipment manufacturing and supply industries. <i>Please limit response to 1,500 characters.</i></p> <p>All track materials anticipated to be used in this project are domestically sourced. In addition, all site preparation, construction management, inspection work, and labor would be performed by US-based BNSF employees. .</p>													
<p>(7) If applicable, describe how the project will help develop US professional railroad engineering, operating, planning and management capacity needed for sustainable HSR/IPR development in the United States, including promotion of a diverse workforce. <i>Please limit response to 1,500 characters.</i></p> <p>Striving to meet the needs for an efficient, environmentally friendly and reliable passenger transportation system, since the late 1990’s much effort has been expended by USDOT, TxDOT, affected Cities and contributing Class I railroads towards developing a viable high speed rail corridor through Texas supporting the Eagle route today and in the future. This effort has afforded growth and experience in design, operation and management of a viable intercity passenger service among all parties.</p> <p>Specific to this project, several local rail engineering firms have been contracted to join the collective team relative to scope development. This diverse work force has worked diligently to best understand current operational sensitivities, infrastructure constraints towards future growth and to develop infrastructure conflict resolutions. Through the work performed to date, critical drivers of on-time performance and run time have been realized.</p> <p>By promoting this project with a HSIPR funding award, continued focus will be given to this promising high speed rail corridor, affording further team development, more refined knowledge of high speed rail and local opportunities for professional services specifically related to the growth and viability of the corridor.</p>													

Project Name: BNSF Fort Worth Sub Capitalized Maintenance Project Date of Submission: 8/24/09 Version Number:
v1

F. Additional Information

(1) Please provide any additional information, comments, or clarifications and indicate the section and question number that you are addressing (e.g., Section E, Question 1B). *This section is optional.*

See included following References:

Section B, Question 6 and Section D, Question 1 - "Fort Worth Sub Capitalized Maintenance"

Section B, Question 6 and Section D, Question 1 "Proposed Capitalized Maintenance- Ft Worth Sub "

Section D, Question 1 "Slow Order Charts "

Section E, Question 1b "BNSF's Business Process Framework for ARRA Funded Projects"

Project Name: BNSF Fort Worth Sub Capitalized Maintenance Project Date of Submission: 8/24/09 Version Number: v1

G. Summary of Supporting Materials

Application Form	Required	Optional	Reference	Description	Format
<input checked="" type="checkbox"/> This Application Form	✓		HSIPR Guidance Section 4.3.3.3	This document to be submitted through <i>GrantSolutions</i> .	Form
Supporting Forms	Required	Optional	Reference	Description	Format
<input checked="" type="checkbox"/> General Info.	✓		HSIPR Guidance Section 4.3.5	This document to be submitted through <i>GrantSolutions</i> .	Form
<input checked="" type="checkbox"/> Detailed Capital Cost Budget	✓		HSIPR Guidance Section 4.3.5	This document to be submitted through <i>GrantSolutions</i> .	Form
<input checked="" type="checkbox"/> Annual Capital Cost Budget	✓		HSIPR Guidance Section 4.3.5	This document to be submitted through <i>GrantSolutions</i> .	Form
<input checked="" type="checkbox"/> Project Schedule	✓		HSIPR Guidance Section 4.3.5	This document to be submitted through <i>GrantSolutions</i> .	Form
Supporting Documents	Required	Optional	Reference	Description	Format
<input checked="" type="checkbox"/> Map of the Planned Investment		✓	Application Question B.6	Map of the Planned Investment location. Please upload into <i>GrantSolutions</i> .	None
Standard Forms	Required	Optional	Reference	Description	Format

<input checked="" type="checkbox"/> SF 424: Application for Federal Assistance	✓		HSIPR Guidance Section 4.3.3.3	Please submit through <i>GrantSolutions</i>	Form
<input checked="" type="checkbox"/> SF 424C: Budget Information-Construction	✓		HSIPR Guidance Section 4.3.3.3	Please submit through <i>GrantSolutions</i>	Form
<input checked="" type="checkbox"/> SF 424D: Assurance Construction	✓		HSIPR Guidance Section 4.3.3.3	Please submit through <i>GrantSolutions</i>	Form
<input checked="" type="checkbox"/> FRA Assurances Document	✓		HSIPR Guidance Section 4.3.3.3	May be obtained from FRA’s website at http://www.fra.dot.gov/downloads/admin/assurancesandcertifications.pdf . The document should be signed by an authorized certifying official for the applicant. Submit through <i>GrantSolutions</i> .	Form

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