

Trail Project within CapMetro Rail Right of Way Standard Operating Procedures		CapMetro CPG-RWT-SOP 1.0
Subject: Standard Operating Procedures for Design and Construction of a Trail Project within CapMetro Rail Right of Way by any External Entity		Page 1 of 9
Approved By:	<u>Dave J. Kubicek</u> <small>Dave J. Kubicek (Mar 6, 2024 15:10 CST)</small> EVP, Capital Construction, Engineering and Design	
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1. PURPOSE

CapMetro's primary mission is to provide public transportation. CapMetro supports multimodal connectivity and desires to work closely with jurisdictions to ensure safe accommodation of trails where feasible. The purpose of this Standard Operating Procedure (SOP) is to define the course of action to be taken by internal CapMetro departments to review, authorize, and coordinate the design and construction of a trail project by any External Entity (EE) within the CapMetro Rail Right of Way (ROW). This SOP also outlines critical information, responsibilities, and requirements of any EE seeking to construct a trail within CapMetro Rail ROW. In select cases, procedures may be adjusted if CapMetro partners with other agencies to collaboratively design and construct the proposed trail project, based on our experience working within an active right-of-way and potential concurrent projects.

2. EXECUTIVE SUMMARY

Initial Eligibility



Preliminary Planning and Design



Design and Construction



= CapMetro approval of all deliverables

3. CAPMETRO PROJECT TEAM ROLES

The CapMetro Project Team, identified below, is responsible for timely response to the EE for the design and construction of trails within the CapMetro Rail ROW to ensure that the project meets all CapMetro, state, and federal requirements. If, for any reason, a trail project is not feasible, the Project Team is responsible for timely notification to the EE with any information as to why the project is not feasible.

ROLE	OVERVIEW OF RESPONSIBILITIES
<p>Manager, Cross-Agency Programs for Transit and Mobility (Strategic Planning and Development Department)</p>	<p>The Manager, Cross-Agency Programs for Transit and Mobility, is responsible for initial review of proposed trail project within the Rail ROW. They review planning documents from internal CapMetro departments, adjacent jurisdictions and other entities, conduct a holistic review of the proposed project, and assist in initial project coordination. Upon receipt of preliminary feedback from internal and external entities, they will provide a short synopsis of the scope of the trail project and the background on any adjacent projects as a preliminary planning report.</p>
<p>Manager, Real Estate and Right-of-Way (CCED Department)</p>	<p>The Manager, Real Estate and Right-of-Way or designee, is responsible for collecting online applications for use within the Rail ROW and facilitating the Engineering Review process. They shall work closely with the Rail Operations Department and Capital Projects Group (CPG) Project Manager to facilitate the coordination of design and construction of the trail, including, but not limited to, providing guidance and information about seeking license agreements, certifications, and/or permits required for construction within the Rail ROW.</p>
<p>Capital Projects Group (CPG) Project Manager (CCED Department)</p>	<p>The CPG Project Manager is responsible for coordinating efforts across the agency by including all staff identified in this SOP throughout the stages of the EE's trail project within CapMetro Rail ROW. The CPG Project Manager will facilitate the timely review and response to the EE during the iterative design process. Upon completion of the design process, and review and approval by the Rail Operations Department and Real Estate Department, the CPG Project Manager will work with the Real Estate and Right-of-Way Department, to facilitate the licensing and permitting process. The CPG Project Manager will be the Single Point of Contact during the design reviews, construction and process, facilitating resolution of issues during construction, and providing regular updates to the EE.</p>
<p>Rail Project Manager (Rail Operations Department)</p>	<p>The Rail Project Manager is responsible for assuring that the design and construction of any infrastructure within the Rail ROW meets all CapMetro, state, and federal rail requirements. They shall participate and provide comments and feedback during the iterative trail design process and provide technical support and guidance during construction of the trail within the Rail ROW. In addition, the Rail Project Manager can coordinate the proposed trail project with any existing or on-going Rail projects.</p>

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<p>Manager, Rail System Safety and Compliance (Safety Department)</p>	<p>The Manager, Rail System Safety and Compliance, in collaboration with the newly established Safety and Security Certification Committee, is responsible for ensuring that the design and construction of any infrastructure within the Rail ROW meets all CapMetro, state, and federal rail safety requirements. They shall lead the Safety and Security Certification program efforts, which is required before a project can be deemed acceptable. They shall participate and provide comments and feedback during the iterative trail design process and provide technical support and guidance during construction of the trail within the Rail ROW. In addition, the Manager, Rail System Safety and Compliance, can coordinate the proposed trail project with any existing or on-going Rail Safety projects.</p>
<p>Sr. Director of Public Safety and Emergency Management (Safety Department)</p>	<p>The Sr. Director of Public Safety and Emergency Management is responsible for ensuring that the design and construction of any infrastructure within the Rail ROW meets all CapMetro, state, and federal security requirements. In some cases, they will lead a Fire Life Safety Committee, as part of the Safety and Security Certification Committee (SSCC) process, to ensure the construction and any associated impacts to rail infrastructure do not create security and/or emergency response risks. They shall participate and provide comments and feedback during the iterative trail design process and provide technical support and guidance during construction of the trail within the Rail ROW. In addition, the Sr. Director of Public Safety and Emergency Management can coordinate the proposed trail project with any existing or on-going Security projects.</p>
<p>Director of Safety (Safety Department)</p>	<p>The Director of Safety, as appropriate, and in collaboration with the Safety and Security Certification Committee (SSCC) and other subject matter experts, is responsible for ensuring that the design and construction of any infrastructure within the Rail ROW meets all CapMetro, state, and federal safety and accessibility requirements. In addition, the Director of Safety can coordinate the proposed trail project with any existing or on-going Safety or Accessibility projects.</p>
<p>Additional Staff to be Identified under the CapMetro's Safety and Security Certification Committee's (SSCC) Charter for the Project</p>	<p>The Project Team will also be comprised of staff identified within CapMetro's Safety and Security Certification Committee (SSCC) Charter. As a federal requirement, an SSCC is established for each project to comply with the Federal Railroad Administration (FRA)'s Final Rule 49 CFR Part 270 System Safety Program (SSP). CapMetro's SSCC is the management body authorized to make safety and security decisions on behalf of CapMetro to assure that projects are safe. Membership may include representatives from all project-related disciplines and shall be listed within the project charter. The Chair is defined as the person who presides over the SSCC and is responsible for leading the development of the SSCC meeting schedules, agendas, and meeting minutes. Non-members may attend SSCC meetings and participate but are not authorized to vote on issues.</p>

4. PROCEDURES FOR DESIGNING AND CONSTRUCTING A TRAIL WITHIN CAPMETRO RAIL ROW

- A.** The External Entity (EE) contacts CapMetro Manager, Cross-Agency Programs for Transit and Mobility with a trail proposal, including a conceptual layout plan along with a brief description of the project and whether the EE has full or partial funding to design and construct the trail. The Manager will then survey with adjacent entities and internal CapMetro departments to understand if there are planned or existing projects within the proposed trail vicinity. Upon completion of the survey of adjacent and internal entities, the Manager will produce a short preliminary planning report detailing the understanding of the trail project scope and the background on any adjacent existing or planned projects that would impact the feasibility of the proposed trail project. This review may take up to six weeks.
- B.** EE is subject to a “courtesy review” prior to submitting a Request of Right of Way License Agreement (CapMetro Form RE-1) application via the Real Estate application portal. The Manager of Real Estate and Right-of-Way will perform a courtesy review which may include necessary site visits, submission of additional information and other due diligence. CapMetro contact information and detailed application instructions are provided at capmetro.org/railrow.
- C.** Upon development of the preliminary planning report and the courtesy review, the Manager of Cross Agency Programs for Transit and Mobility will call a meeting of the CapMetro Project Team. At this meeting, the Project Team will determine if the EE proposed trail project is viable. If it is not viable, the Manager of Cross Agency Programs will contact the EE with a detailed report as to why the project is ineligible. If the project is viable, the Manager of Real Estate and Right-of-Way will direct the EE to proceed with development and submission of their RE-1 application.
- D.** Upon receipt of an RE-1 application, the Manager, Real Estate and Right-of-Way or their designee shall collect all application materials from the online portal. The Manager, Real Estate and Right-of-Way, shall notify the Vice President of Facility Management and Capital Construction and the Vice President of Rail Operations that an application has been submitted so that a Capital Projects Group (CPG) Project Manager and a Rail Project Manager can be assigned. The Manager, Real Estate and Right-of-Way, shall also notify the Manager, Rail System Safety and Compliance, that an application has been submitted for Safety and Security Certification efforts.
- E.** The Rail Project Manager shall determine if a third-party consultant is required for additional review and engineering, depending on the degree of integration with rail infrastructure, such as grade-crossing(s), rail infrastructure adjustments, etc. If a third-party consultant is required, the EE shall be responsible for reimbursing CapMetro for the actual cost and expense incurred for the EE’s project.
- F.** The Manager, Rail System Safety and Compliance, shall review the application to begin and lead the Safety and Security Certification process. The certification is a federal requirement that must be complied with to identify and manage any conditions that may result in harm. The certification will be provided by a third party, managed by CapMetro, at the expense of the EE. The certification is performed by the CapMetro SSCC, a multi-disciplinary forum to facilitate certification program activities. The EE project management team will participate in the Safety and Security Certification process outlined in the CapMetro Safety and Security Certification Plan (SSCP) and attend all SSCC meetings established for the project. The Manager, Rail System Safety and Compliance shall develop an SSCC charter for the project, outlining the mission, purpose, membership, and meetings.
- G.** The CPG Project Manager shall organize and facilitate meetings for the Project Team, which includes all identified staff in the SOP and SSCC Charter. The CPG Project Manager will collaborate to determine agenda items, frequency, and cadence of Project Team meetings, with the overall goal of discussing, resolving and authorizing relevant items. The SSCC may still

conduct separate meetings as needed and as identified by the SSCC Charter. After each Project Team meeting, the CPG Project Manager shall provide a status update to CapMetro's RailsWithTrails@CapMetro.org distribution list.

- H. The EE shall undertake a comprehensive feasibility analysis of the trail project. The feasibility study shall describe the setting, the relationship to local planning documents, need for the project, land ownership, railroad activity present or future, and other information necessary to determine feasibility. As a part of the feasibility study, environmental concerns, survey work, and location and ownership of impacted utilities shall be analyzed pursuant to local, state and federal laws. The EE is responsible for evaluating land titles and the potential deed restrictions within them. The feasibility study shall include viable alternatives to any trail project that is proposed within an active Rail ROW. The EE shall identify and evaluate at least one alternative alignment that is outside of the active Rail ROW.
- I. Upon completion of the feasibility analysis, the EE shall submit the feasibility report, which includes updated project cost estimates and proposed project schedule, to the CPG Project Manager. The CPG Project Manager will distribute to the Project Team (which includes the SSCC) for review and approval. The CPG Project Manager is responsible for facilitating the timely review and response to the EE during the iterative process. The Project Team will approve or provide feedback on the feasibility report within 30 business days. Approval may require an iterative process with multiple rounds of review and revisions (with up to 30 business days for each round). If a disagreement within the Project Team arises and the disagreement is not resolved, it shall be referred as soon as possible to CapMetro's Vice President of Rail Operations for resolution. If the disagreement is not resolved, it shall be referred as soon as possible to the CapMetro EVP, Capital Construction, Engineering and Design, CapMetro EVP, Chief Operating Officer, and CapMetro EVP, Chief Safety Officer, for final resolution.
- J. The CPG Project Manager shall coordinate with the EE project manager to schedule a field visit with the Project Team. The EE shall attend any field visit(s).
- K. Based on field visit discussions, the EE shall provide a field design drawing signed and sealed by a Registered Professional Engineer (Registered in the State of Texas) to the CPG Project Manager, which the CPG Project Manager will distribute to the Project Team (which includes the SSCC) for review and approval. The CPG Project Manager is responsible for facilitating the timely review and response to the EE during the iterative process. The Project Team will approve or provide feedback on the field design drawing within 30 business days. Approval may require an iterative process with multiple rounds of review and revisions (with up to 30 business days for each round). If a disagreement within the Project Team arises and the disagreement is not resolved, it shall be referred as soon as possible to CapMetro's Vice President of Rail Operations for resolution. If the disagreement is not resolved, it shall be referred as soon as possible to the CapMetro EVP, Capital Construction, Engineering and Design, CapMetro EVP, Chief Operating Officer, and CapMetro EVP, Chief Safety Officer, for final resolution.
- L. The EE shall develop a public safety plan that includes engineering, maintenance standards, trespassing and crime prevention strategy; appropriate damage resistant construction materials; landscaping; provision of secure access areas, barrier systems, and video monitoring; coordinated and responsive patrol service, designating and enforcing rules and regulations; employment of crime prevention strategies, such as education, informal signage, and incident management; and provision of fire and police departments with maps of the system detailing access points and implementation schedule.
- M. Upon completion of the public safety plan, the EE shall submit the public safety plan to the CPG Project Manager. The CPG Project Manager will distribute to the Project Team (which includes the SSCC) for review and approval. The CPG Project Manager is responsible for facilitating the timely

review and response to the EE during the iterative process. The Project Team will approve or provide feedback on the public safety plan within 30 business days. Approval may require an iterative process with multiple rounds of review and revisions (with up to 30 business days for each round). If a disagreement within the Project Team arises and the disagreement is not resolved, it shall be referred as soon as possible to CapMetro's Vice President of Rail Operations for resolution. If the disagreement is not resolved, it shall be referred as soon as possible to the CapMetro EVP, Capital Construction, Engineering and Design, CapMetro EVP, Chief Operating Officer, and CapMetro EVP, Chief Safety Officer, for final resolution.

- N.** Given the findings of the feasibility report, field design drawing, and safety plan, the EE will provide documentation demonstrating that the funding for design and construction of the project is readily available.
- O.** Upon receipt of the feasibility report, field design drawings, safety plan, and documentation of funding, the Project Team will meet with the CapMetro EVP, Capital Construction, Engineering and Design, the CapMetro EVP, Chief Operating Officer, the CapMetro EVP, Chief Safety Officer, and the CapMetro EVP, Chief Strategic Planning and Development Officer to confirm that the proposed trail project may proceed to 30% design. If a disagreement arises and the disagreement is not resolved, it shall be referred as soon as possible to CapMetro's President & CEO for resolution.
- P.** If the project is approved, EE shall submit an iterative set of 30%, 60%, 90%, and 100% design drawings to the CPG Project Manager. The design drawings shall include CapMetro's construction notes. Please note that all changes or modifications during the design and construction that affect the Rail ROW shall also be submitted to CapMetro for review and approval.
- Q.** The CPG Project Manager will distribute the set of design drawings to the Project Team (which includes the SSCC) for review and approval. As part of the review, the Rail Project Manager shall determine if Federal Railroad Administration (FRA) review is also required. The Project Team will approve or provide feedback on the design drawings within 30 business days. Approval may require an iterative process with multiple rounds of review and revisions (with up to 30 business days for each round). If a disagreement within the Project Team arises and the disagreement is not resolved, it shall be referred as soon as possible to CapMetro's Vice President of Rail Operations for resolution. If the disagreement is not resolved, it shall be referred as soon as possible to the CapMetro EVP, Capital Construction, Engineering and Design, CapMetro EVP, Chief Operating Officer, and CapMetro EVP, Chief Safety Officer, for final resolution.
- R.** If design deviations, variances, or exceptions are requested, the EE will prepare an engineering report showing in precise detail the changes and deviations and provide support for their position. As part of the required Safety and Security Certification process, the SSCC shall vote on design deviations, variances, exceptions, potential changes, and/or workarounds. If a tie or impasse occurs within the SSCC, a written report will be prepared by the SSCC Chair, which will accurately summarize the alternative points of view. The report will then be submitted to the Chief Safety Officer (CSO) with copies to each SSCC member. The CSO, with input from CapMetro Leadership, will provide direction for the resolution of the issue. The final action taken by SSCC will be reflected in the SSCC minutes. Design exceptions, deviations, or variances are also to be reviewed and may be approved by the CapMetro Vice President of Rail Operations or the designee of CapMetro Vice President of Rail Operations. If a disagreement between the SSCC and Project Team arises and the disagreement is not resolved, it shall be referred as soon as possible to CapMetro's Vice President of Rail Operations for resolution. If the disagreement is not resolved, it shall be referred as soon as possible to the CapMetro EVP, Capital Construction, Engineering and Design, CapMetro EVP, Chief Operating Officer, and CapMetro EVP, Chief Safety Officer, for final resolution.

- S.** After the acceptance of plans by CapMetro, EE will submit written approval for design drawings from any telecommunications, fiber optic, gas, oil and/or other companies that may be impacted by the trail project within the Rail ROW via license agreements.
- T.** After the acceptance of plans and written confirmation from any impacted utilities or other entities with rights impacted by the project, as identified above, the EE or its contractor shall submit for Request for Railroad Right of Way Permit (CapMetro Form RE-3). Detailed application instructions are provided at capmetro.org/railrow.
- U.** Upon approval of the RE-3 application and receipt of a permit number, EE or its contractor shall submit for Roadway Worker in Charge (RWIC) Request (CapMetro Form RE-7), which requires a permit number to complete. Detailed application instructions are provided at capmetro.org/railrow.
- V.** The EE or its contractor will obtain and comply with any and all approvals, permits, licenses and other authorizations required by applicable laws, regulations, rules and ordinances for the project. Each contractor working in the Rail ROW must coordinate and complete Roadway Worker Protection (RWP) Certification Training prior to working in the ROW. EE shall coordinate with the CPG Project Manager to register contractors for training. Free RWP Certification Training for contractors occurs on the 1st and 3rd Wednesdays of each month. Anyone working within the ROW must maintain a valid certification card in their possession while working.
- W.** When a trail project is constructed within CapMetro Rail ROW, CapMetro is willing to enter a partnership with the EE to construct the proposed trail based on CapMetro's experience working within an active rail right-of-way. This work shall not detract from CapMetro's overall mission, which prioritizes public transportation. Overall, CapMetro will remain involved in the delivery means by either leading the construction process or sustaining close coordination throughout the construction process. If a partnership for construction is not pursued, the EE project management team shall manage the construction and coordinate with CapMetro's CPG Project Manager and the Real Estate Department.
- X.** The EE and its contractor shall ensure that the project, at no time, shall interfere with CapMetro's ability to operate commuter or tenant railroads during construction; there shall not be a service impact to the commuter or tenant railroads during construction. The EE shall attend CapMetro's Track Allocation meeting(s) as needed, in which time is allocated on the railroad for activities. The EE and its contractor must attend to know the times that they are authorized to work along the ROW.
- Y.** The EE project management team will host a weekly status meeting with the Project Team to provide close call and near miss reporting, job site safety and all reportable and non-reportable incidents. If the construction work impacts ability of operations or equipment for the commuter or tenant railroads, the EE shall be responsible to reimburse CapMetro on a case-by-case basis, decided by the CapMetro Vice President of Rail Operations or the designee of the CapMetro Vice President of Rail Operations.
- Z.** EE shall notify CapMetro a minimum of thirty (30) business days in advance of any construction or maintenance activity that will occur within the Rail ROW. EE shall be responsible to reimburse CapMetro the actual cost and expense incurred by CapMetro for all services and work performed in connection with the project design reviews and construction oversight including a computed surcharge representing CapMetro's costs for administration and management.
- AA.** EE should also notify the appropriate regional notification center Texas Call Before You Dig #811, railway companies, and utility companies prior to performing any excavation close to any underground pipeline, conduit, duct, wire or other structure. It is the responsibility of the EE to ensure notification of appropriate internal and external parties.

5. REFERENCE DOCUMENTS

The following linked documents have information that is consistent with the topic of this SOP and must be reviewed for additional instructions:

- A. [CapMetro Design Guidelines for a Trail Project within CapMetro Rail Right of Way](#)
- B. [Business with CapMetro: CapMetro Railroad Right-of Way](#)
 - i. The website provides CapMetro contact information and detailed application instructions.
- C. [Bus Stop Accessibility Sidewalk Project Interlocal Cooperation Agreement \(ILA\) Third Amendment](#)
 - i. The example ILA includes a process for construction of a sidewalk across the Rail ROW. A similar process may be followed for external agencies constructing a trail within the Rail ROW. See Section V. Special Considerations, b. Sidewalks at CapMetro Rail Crossings.
- D. [Safety and Security Certification Program](#)
- E. CapMetro Rail Design Criteria (*Coming Soon*)

6. RESPONSIBLE REVIEWERS OF THE SOP:

- A. Chief of Staff
- B. EVP, Capital Construction, Engineering, and Design
- C. Director, Safety
- D. Director, Public Safety and Emergency Management
- E. Director, Real Estate and Right-of-Way
- F. Manager, Real Estate and Right-of-Way
- G. Manager, Rail Safety and Compliance
- H. Manager, Cross-Agency Programs for Transit and Mobility
- I. Project Manager, Rail Project Manager
- J. Project Manager, Capital Projects Group (CPG)

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Document Review and Revision History

Revision	Description	Date
V1.0	Original Version	March 7, 2024

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