

Decision No. C22-0801

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22A-0450R

IN THE MATTER OF THE APPLICATION OF THE COLORADO DEPARTMENT OF TRANSPORTATION, ON BEHALF OF THE CITY OF LOVELAND, FOR AUTHORITY TO INSTALL FLASHING LIGHT SIGNALS, GATES, BELLS, CONSTANT WARNING TIME CIRCUITRY, NEW SIGNAL CABIN, NEW CONCRETE CROSSING MATERIAL AND SIDEWALK CONNECTIONS AT TRACKS OWNED BY GREAT WESTERN RAILWAY CROSSING WASHINGTON AVENUE, USDOT NO. 872-131K, IN LARIMER COUNTY, STATE OF COLORADO.

**COMMISSION DECISION DEEMING APPLICATION
COMPLETE AND GRANTING APPLICATION**

Mailed Date: December 16, 2022

Adopted Date: December 14, 2022

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an application (Application) filed by the Colorado Department of Transportation (CDOT) on behalf of the City of Loveland (Loveland) on October 18, 2022, requesting authority to install active warning equipment consisting of flashing lights, gates, bells, constant warning time circuitry, new signal cabin, new concrete crossing material, and concrete sidewalk connections at the crossing using Federal Section 130 Funds, at the crossing of Washington Avenue with the tracks of the Great Western Railway of Colorado (GWR) at railroad mile post 6.51 of the Loveland Branch, National Inventory No. 872131K, in Loveland, County of Larimer, State of Colorado.

2. The Commission gave notice of this Application (Notice) to all interested parties, including adjacent property owners pursuant to § 40-6-108(2), C.R.S. The Notice was mailed on October 31, 2022.

3. There were no interventions in this matter.

4. The Commission has reviewed the record in this matter and deems that the Application is complete within the meaning of § 40-6-109.5, C.R.S.

5. The Commission has jurisdiction in this matter under §§ 40-4-106(2)(a) and (3)(a), C.R.S.

6. Now being fully advised in the matter, we grant the Application.

B. Findings of Fact

7. The Commission gave notice to all interested parties, including the adjacent property owners. No intervention was received opposing the Application.

8. CDOT requests authority to install active warning equipment consisting of flashing lights, gates, bells, constant warning time circuitry, new concrete crossing material and concrete sidewalk connections at the crossing of Washington Avenue with the GWR.

9. There have been two accidents at the crossing, one involving a fatality and one involving property damage only in 1980 and 1988, respectively.

10. CDOT states the current traffic volume using the crossing is approximately 2,024 vehicles per day (VPD) at an unposted speed limit of 30 miles per hour (MPH) with approximately 4 percent heavy vehicles using the crossing. School buses do not use the crossing. Traffic is projected to grow to approximately 2,346 VPD by 2026 and 3,656 VPD by

2041. There are currently approximately 10 switching movements per day using the crossing at speeds of up to 10 MPH with no current projections of future train traffic growth.

11. The estimated cost for the work at the crossing is \$258,952 for the signal work, \$224,550 for the track work, and \$207,140 for the civil engineering elements of construction with Federal Section 130 Funds being used to fund the construction.

12. CDOT estimates that construction will begin on June 5, 2023 and be completed by December 25, 2025. CDOT will be required to file a copy of the signed Construction and Maintenance Agreement for this crossing prior to starting work at the crossing. We will expect this signed agreement to be filed no later than June 5, 2023 prior to the start of construction. We will also require CDOT to inform the Commission in writing that the crossing work is complete and operational within ten days of completion. The Commission will expect this letter by December 25, 2025. However, the Commission does understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

13. We will require CDOT and GWR to update their respective parts of the crossing inventory form for this crossing and file a copy of the updated crossing inventory form in this proceeding. The Commission will expect this information to be filed with the completion of the crossing work by December 25, 2025.

C. Conclusions

14. The Commission has jurisdiction in this matter under §§ 40-4-106(2)(a) and (3)(a), C.R.S.

15. No intervenor that filed a petition to intervene or other pleading contests or opposes the Application.

16. Because the Application is unopposed, the Commission will determine this matter upon the record, without a formal hearing under § 40-6-109(5), C.R.S., and Rule 1403, Commission Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1.

17. Based on the Findings of Fact, we find good cause exists and that the requirements of public safety are met by granting the Application consistent with the above discussion.

II. ORDER

A. The Commission Orders That:

1. The application (Application) filed by the Colorado Department of Transportation (CDOT) on behalf of the City of Loveland (Loveland) on October 18, 2022, requesting authority to install active warning equipment consisting of flashing lights, gates, bells, constant warning time circuitry, new signal cabin, new concrete crossing material, and concrete sidewalk connections of the crossing using Federal Section 130 Funds, at the crossing of Washington Avenue with the tracks of the Great Western Railway of Colorado (GWR) at railroad mile post 6.51 of the Loveland Branch, National Inventory No. 872131K, in Loveland, County of Larimer, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The Application is granted.

3. CDOT is authorized and ordered to proceed with installation of active warning equipment consisting of flashing lights, gates, bells, constant warning time circuitry, new concrete crossing material, concrete, and sidewalk connections at the crossing at Washington Avenue in Loveland.

4. CDOT shall file a copy of the signed Construction and Maintenance Agreement for this project by June 5, 2023 prior to starting work at the crossing.

5. CDOT shall inform the Commission in writing that the crossing changes are complete and operational within ten days of completion. We shall expect this letter by December 25, 2025. However, we understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

6. CDOT and GWR shall be required to update the National Inventory Form for this crossing and file a copy of the updated crossing inventory form in this proceeding by December 25, 2025.

7. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration, begins on the first day following the effective date of this Decision.

8. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 14, 2022.**

(S E A L)



ATTEST: A TRUE COPY

G. Harris Adams,
Interim Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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JOHN GAVAN

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Commissioners