

Decision No. C24-0381

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0172R

IN THE MATTER OF THE JOINT APPLICATION OF THE COLORADO DEPARTMENT OF TRANSPORTATION AND THE CITY OF DURANGO FOR AUTHORITY TO UPGRADE RAILROAD CIRCUITRY AND SIGNALS, UPGRADE RAILROAD TRACK AND SURFACING, UPDATE INTERCONNECTION TO THE ADJACENT TRAFFIC SIGNAL, ADD ADDITIONAL TRAFFIC SIGNS, AND UPGRADE SIDEWALKS/CURB RAMPS AT TRACKS OWNED BY DURANGO AND SILVERTON NARROW GAUGE RAILROAD COMPANY CROSSING MAIN AVENUE/14TH STREET, USDOT NO. 253705P, IN LA PLATA COUNTY, STATE OF COLORADO.

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

Mailed Date: June 6, 2024
Adopted Date: May 22, 2024

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Public Utilities Commission (Commission) for consideration of an application (Application) filed by the Colorado Department of Transportation (CDOT) and the City of Durango (Durango) (collectively Joint Applicants) on April 8, 2024, requesting authority to update railroad signals, circuitry, track and surfacing, interconnect to the adjacent traffic signal, addition of traffic signs, and upgrading of sidewalks/curb ramps on each approach to the Main Avenue/14th Street/US 550 intersection/crossing with the Durango and Silverton Narrow Gauge Railroad (DSNGR) at railroad milepost 452.25, National Inventory No.253705P, in Durango, County of a Plata, in the 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 April 12, 2024.

3. There were no interventions filed 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. The Joint Applicants propose to upgrade railroad signal, circuitry, track and surfacing, interconnection to the adjacent traffic signal, addition of traffic signs, and upgrading of sidewalks/curb ramps on each approach to the Main Avenue/14th Street/US 550 intersection/crossing with the DSNGR. The Joint Applicants state that antiquated railroad signals and circuitry contribute to undesirable operation of the intersection and crossing operation. The crossing is surrounded by commercial development resulting in poor visibility for approaching motorists resulting in reduced crossing safety. The Joint Applicants propose that DSNGR will remove the outdated equipment and signals concurrently that controls the train traffic from the southwest and will install upgraded track circuitry and train signals facing along the tracks. The existing crossing surface will be replaced, and the track will be upgraded. The new train signals will be interconnected to the vehicular traffic signal at the

intersection/crossing. Crossbucks will be added to the vehicular traffic signal mast arms over traffic lanes and “No Right Turn” blank out signs will be added for the right turn at 14th Street and US 550 during the time when a train is on approach to the crossing. Sidewalks and curb ramps will be updated at the intersection.

9. The Joint Applicants state that the 2021/2022 traffic volumes at the intersection are 6,920 vehicles per day (VPD) at Main Avenue, 3,000 VPD at 14th Street with school buses using the crossing and an estimate of two percent heavy vehicles using the crossing. There are 28,000 VPD at US 550, but these vehicles do not cross the crossing. The Joint Applicants estimate the traffic volumes at Main Avenue at 8,300 VPD in five-years and 12,450 VPD in 20-years. The estimates for traffic volumes at the 14th Street are 3,600 VPD in five-years and 5,400 VPD in 20-years. The estimates for traffic volumes at US 550 are 29,120 VPD in five-years and 32,480 VPD in 20-years. The posted speed limits at the intersection/crossing are 15 miles per hour (MPH) for Main Avenue, 25 MPH for 14th Street, and 35 MPH for US 550. There are currently eight train movements per day using the crossing at a maximum timetable speed of 15 MPH with no projections for any increases or decreases in the future.

10. There have been two property damage only accidents at the crossing since 1975 occurring in 1977 and 1987.

11. The Joint Applicants estimate the cost of construction for the railroad related work at \$374,985 with Federal Section 130 funds paying for the railroad related work. Durango will contribute \$60,000 for the other civil engineering elements of the project.

12. The Joint Applicants propose starting construction July 1, 2024 and be complete by June 30, 2025. The Joint Applicants will be required 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 June 30, 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. The Joint Applicants will be required to file a copy of the signed Construction and Maintenance Agreement for this project prior to the start of construction of the crossing improvements. We will require the Joint Applicants to file the signed Construction and Maintenance Agreement by July 31, 2024, prior to the start of construction at the crossing.

14. CDOT and DSNCR will be required to update the crossing inventory form for this crossing showing the information currently missing from the inventory form. The Commission will expect this information to be filed with the completion of the crossing work by June 30, 2025.

C. Conclusions

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

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

17. 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.

18. Based on the Findings of Fact, we find good cause exists and that the requirements of public safety and necessity 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) and the City of Durango (Durango) (collectively Joint Applicants) on April 8, 2024, requesting authority to update railroad signals, circuitry, track and surfacing, interconnect to the adjacent traffic signal, addition of traffic signs, and upgrading of sidewalks/curb ramps on each approach to the Main Avenue/14th Street/US 550 intersection/crossing with the Durango and Silverton Narrow Gauge Railroad at railroad milepost 452.25, National Inventory No.253705P, in Durango, County of a Plata, in the State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The Application is granted.

3. The Joint Applicants are authorized and ordered to proceed with the update of railroad signals, circuitry, track and surfacing, interconnect to the adjacent traffic signal, addition of traffic signs, and upgrading of sidewalks/curb ramps on each approach to the Main Avenue/14th Street/US 550 intersection/crossing with the addition of “No Right Turn” train activated blank out signs for the westbound right-turn from 14th Street and the northeast right turn from US 550.

4. The Joint Applicants 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 June 30, 2025. However, we understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

5. The Joint Applicants shall file a copy of the signed Construction and Maintenance Agreement for this project prior to starting construction at the crossing. We shall expect this agreement to be filed by May 31, 2024.

6. CDOT and DSNCR will be required to update the crossing inventory form for this crossing showing the information currently missing from the inventory form. The Commission will expect this information to be filed with the completion of the crossing work by June 30, 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. The Commission retains jurisdiction to enter further decisions as necessary.

9. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
May 22, 2024.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

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Commissioners