

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0318R

IN THE MATTER OF THE APPLICATION OF THE TOWN OF ERIE, FOR AUTHORITY TO CONSTRUCT A NEW AT-GRADE PUBLIC TRAIL CROSSING ACROSS TRACKS OWNED BY THE REGIONAL TRANSPORTATION DISTRICT, IN THE TOWN OF ERIE, WELD COUNTY, STATE OF COLORADO.

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

Issued Date: September 11, 2024

Adopted Date: September 11, 2024

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an application ("Application") filed by the Town of Erie ("Erie") on July 25, 2024, for an order authorizing construction of a new at-grade public pathway crossing of existing tracks owned by the Regional Transportation District ("RTD") that are currently out-of-service, at RTD Milepost 23.27, no current National Inventory No., in the Town of Erie, Weld County, Colorado.

2. Notice of the Application was provided by the Commission to all interested parties, including adjacent property owners pursuant to § 40-6-108(2), C.R.S., on July 29, 2024.

3. On August 01, 2024, RTD intervened as a matter of right. RTD does not oppose or contest the Application.

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

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

B. Findings of Fact

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

7. Erie requests authority for the construction of a new at-grade public pathway crossing of existing tracks owned by the RTD that are currently out-of-service, at RTD Milepost 23.27, in the Town of Erie, Weld County, Colorado. The pathway crossing is proposed to be a 10-foot-wide concrete trail. Passive warning devices, including cross bucks, YIELD signs, and EXEMPT signs will be installed. The pathway will connect the new residential development named Collier's Hill, east of the tracks, to existing historic downtown Erie, west of the tracks.

8. Erie estimates the cost of the project at \$157,627. Erie will bear all costs associated with the construction of the pathway crossing coming from the Town of Erie Capital Improvement Project funds.

9. Erie proposes to start the construction of the pathway crossing on approval of the application and anticipates being complete with the work by December 31, 2025. Erie will be required to inform the Commission in writing that all work is complete within ten days of completion. The Commission will expect this letter no later than December 31, 2025. However, the Commission understands this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

10. RTD will be required to assign a National Inventory No. to the new crossing and file a copy of the new crossing number and National Inventory Form. This new form will need to be filed in this proceeding by RTD by December 31, 2025.

C. Conclusions

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

12. No intervenor that filed a Petition to Intervene or other pleading contests or opposes the construction of the at-grade public pathway crossing.

13. 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.

14. Based on the Findings of Fact, the Application is granted consistent with the discussion above.

II. ORDER**A. The Commission Orders That:**

1. The Application (“Application”) filed by the Town of Erie (“Erie”) on July 25, 2024, for an order authorizing construction of a new at-grade public pathway crossing of existing tracks owned by the Regional Transportation District (“RTD”) that are currently out-of-service, at RTD Milepost 23.27, no current National Inventory No., in the Town of Erie, Weld County, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The Application is granted.

3. Erie is authorized and ordered to proceed with the construction of the new at-grade public pathway crossing.

4. Erie is required to inform the Commission in writing that the construction is complete within ten days after completion. We shall expect this letter by December 31, 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. RTD is required to assign a new National Inventory No. for the pathway crossing and to file the National Inventory Form for the subject crossing in this proceeding by December 31, 2025.

6. 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.

7. The Commission retains jurisdiction to enter further decisions as necessary.

8. This Decision is effective on its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 11, 2024.**

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

TOM PLANT

Commissioners

Rebecca E. White,
Director