

Decision No. C24-0811

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0386R

IN THE MATTER OF APPLICATION OF CHAFFEE COUNTY FOR AUTHORITY TO IMPROVE THE CROSSING AT COUNTY ROAD 103, US DOT#973968R, MILEPOST 213.03, UNION PACIFIC TENNESSEE PASS LINE, IN CHAFFEE COUNTY, COLORADO.

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

Issued Date: November 8, 2024

Adopted Date: October 30, 2024

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an Application ("Application") filed by Chaffee County on September 12, 2024, for an order authorizing the upgrade of an existing at-grade crossing of Chaffee County Road ("CR") 103 with the existing tracks owned by Union Pacific Railroad Company ("UPRR") that are currently out-of-service, at railroad milepost 213.03, National Inventory No. 973968R, Chaffee 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 September 18, 2024.

3. On October 9, 2024, UPRR intervened as a matter of right. UPRR 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. Chaffee County requests authority for the upgrade of an existing at-grade crossing of CR 103 with the existing tracks owned by UPRR that are currently out-of-service. Improvements to the crossing are needed due to the planned construction of a residential neighborhood on the east side of the tracks and the need to upgrade existing signage. The road on each side of the crossing will be widened to meet county specifications, and the crossing will have a new crossing surface installed. Passive warning signage at the crossing will be replaced. Replaced signage will include crossbucks, yield signs and Emergency Notification System signs.

8. Chaffee County states that existing traffic volume at the subject crossing is 150 vehicles per day (“VPD”). No school buses use the crossing. Projected 5-year traffic volume is 1100 VPD and 20-year projected traffic volume is 1500 VPD. The unposted speed limit at the crossing is 25 miles per hour (“MPH”). There are currently no trains per day that use the crossing with no projections for future use at this time.

9. Chaffee County estimates the cost of the project at \$185,739. Cleora LLC, the firm constructing the new residential neighborhood, will bear all costs associated with the project.

10. Chaffee County proposes to start the upgrade of the crossing on approval of the Application and anticipates being complete with the work by May 1, 2025. Chaffee County 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 May 1, 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.

11. UPRR will be required to update the US DOT Crossing Inventory Form for the crossing. This updated form will need to be filed in this proceeding by UPRR by May 1, 2025.

C. Conclusions

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

13. No intervenor that filed a petition to intervene or other pleading contests or opposes the upgrade of the at-grade crossing.

14. 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.

15. 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 Chaffee County on September 12, 2024, for an order authorizing the upgrade of an existing at-grade crossing of Chaffee County Road 103 with the existing tracks owned by Union Pacific Railroad Company ("UPRR") that are currently out-of-service, at railroad milepost 213.03, National Inventory No. 973968R, Chaffee County, Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The Application is granted.
3. Chaffee County is authorized and ordered to proceed with the upgrade of the at-grade crossing.
4. Chaffee County is required to inform the Commission in writing that the construction is complete within ten days after completion. We shall expect this letter by May 1, 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. UPRR is required to file the updated National Inventory Form for the at-grade crossing in this proceeding and file the updated form in this proceeding by May 1, 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
October 30, 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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Commissioners