

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22A-0362R

IN THE MATTER OF THE APPLICATION OF THE TOWN OF WINDSOR FOR
AUTHORITY TO REVISE THE GREAT WESTERN RAILWAY EXISTING CROSSING AND
RAILROAD GATES AT EASTMAN PARK DRIVE (U.S. DOT # 871917X) LOCATED IN
THE TOWN OF WINDSOR, WELD COUNTY, STATE OF COLORADO.

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

Mailed Date: October 5, 2022

Adopted Date: October 5, 2022

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an application (Application) filed by the Town of Windsor (Windsor) on August 16, 2022, requesting authority to upgrade and modify the existing active warning installed including widening of the existing crossing, modification of the existing four-quadrant gates, raised curb island, raised median islands and exit gate vehicle loop detection at the existing at-grade highway-rail crossing of Eastman Park Drive with the tracks of the Great Western Railway (GWR), National Inventory No. 871917X, in Windsor, County of Weld, 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 August 22, 2022.

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. Windsor is requesting authority to upgrade and modify the existing active warning installed including widening of the existing crossing, modification of the existing four-quadrant gates, raised curb island, raised median islands and exit gate vehicle loop detection. The existing four-quadrant system will continue operating using timed exit gates with delay between the start of the descent of the entrance gates and the start of the descent of the exit gates and with vehicle detection loops to hold the gates up in lanes where there is potential for vehicular traffic to queue onto the tracks and interconnected to and preemption of the existing traffic signal.

9. Windsor seeks this authority because the existing intersection right turn radii are too small to accommodate turning trucks resulting in periodic damage to existing crossing safety devices.

10. Windsor states that there are currently two trains per day that use the crossing at a maximum timetable speed of ten miles per hour (MPH) with no estimates of increases or decreases in these volumes in the future. There are currently 9,900 vehicles per day (VPD) using the crossing at a posted speed limit of 45 MPH with traffic expected to increase to 10,600 VPD by 2025 and 14,200 VPD by 2040.

11. Windsor estimates the initial cost of the proposed crossing changes at \$500,000 with costs paid for by Windsor.

12. Windsor proposes starting construction in June 2023 with work estimated to be complete by October 31, 2023. We will require that Windsor file a copy of the signed Construction and Maintenance Agreement for this project by June 1, 2023 prior to starting work at the crossing.

13. Windsor will be required to inform the Commission in writing when the crossing changes are complete and operational within ten days of completion. The Commission will expect this letter by October 31, 2023. 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.

14. We will require Windsor to work with GWR to update the crossing inventory form for the changed crossing conditions and to file a copy of the updated crossing inventory form with the Commission with completion of the crossing work by October 31, 2023.

C. Conclusions

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

16. No person filed a petition to intervene or other pleading contesting or opposing the Application.

17. Because the Application is unopposed, the Commission finds that it 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. We find that 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 filed by the Town of Windsor (Windsor) on August 16, 2022, requesting authority to upgrade and modify the existing active warning installed including widening of the existing crossing, modification of the existing four-quadrant gates, raised curb island, raised median islands and exit gate vehicle loop detection at the existing at-grade highway-rail crossing of Eastman Park Drive with the tracks of the Great Western Railway (GWR), National Inventory No. 871917X, in Windsor, County of Weld, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The Application is granted.

3. Windsor is authorized and ordered to proceed with the widening of the existing crossing, modification of the existing four-quadrant gates, raised curb island, raised median islands and exit gate vehicle loop detection as shown in the plans included with the Application.

4. Windsor is required to file a signed copy of the Construction and Maintenance Agreement by June 1, 2023 with construction work not expected to begin until these signed agreements are filed.

5. Windsor is required to inform the Commission in writing that the crossing changes are complete and operational within ten days after completion. We shall expect this letter by October 31, 2023. However, we understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

6. Windsor will be required to work with GWR to update the crossing inventory form showing the changed crossing conditions and filing a copy of that updated inventory form in this proceeding at the end of the project by October 31, 2023.

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
October 5, 2022.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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JOHN GAVAN

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Commissioners