

Decision No. C19-0576

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0278R

IN THE MATTER OF THE APPLICATION OF THE CITY OF GREELEY FOR AUTHORITY TO DESIGN AND IMPLEMENT HIGHWAY-RAIL GRADE CROSSING SAFETY IMPROVEMENTS ON THE UNION PACIFIC RAILROAD AT 5TH STREET (DOT NO. 804851U) IN THE CITY OF GREELEY, WELD COUNTY, COLORADO.

**COMMISSION DECISION
GRANTING APPLICATION**

Mailed Date: July 15, 2019
Adopted Date: July 10, 2019

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an application (Application) filed by the City of Greeley (Greeley) on May 23, 2019, seeking authority to replace pavement, install non-traversable concrete medians on each roadway approach, and install signs and pavement markings including “No Train Horn” plaques at the existing crossing of 5th Street with the tracks of the Union Pacific Railroad Company (UPRR) at railroad milepost 52.08 on the Greeley Subdivision, National Inventory No. 804851U, in Greeley, County of Weld, State of 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 May 24, 2019.

3. On May 24, 2019, Staff of the Commission sent a Deficiency Letter to Greeley informing Greeley that it had included exhibits for another crossing and not the 5th Street

crossing and that Greeley needed to provide a cost estimate specific to the crossing and not its entire quiet zone project for the Application.

4. On May 31, 2019, Greeley provided an Amended Exhibit 2 providing individual cost estimates for the 5th Street crossing project.

5. On June 13, 2019, Greeley provided Amended Exhibits 1, 3, 4, and 5 providing exhibits specifically for the 5th Street crossing

6. No interventions were received in this matter.

7. The Commission reviewed the record in this matter and deemed that the Application was complete within the meaning of § 40-6-109.5, C.R.S., on July 9, 2019.

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

B. Findings of Fact

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

10. Greeley is requesting authority to replace pavement, install non-traversable concrete medians on each roadway approach, and install signs and pavement markings including “No Train Horn” plaques at the 5th Street crossing with the tracks of the UPRR.

11. Greeley seeks this authority because it desires to obtain a quiet zone at this crossing from the Federal Railroad Administration. When Greeley obtains the quiet zone, Greeley will post W10-9P “No Train Horn” placard signs with the W10-1 advance warning signs.

12. Greeley states that there are currently 13 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 9,166 vehicles per day (VPD) with an estimated 3.2 percent heavy vehicles and school buses using the crossing at a posted speed limit of 30 MPH with an estimated increase to 10,120 VPD in 5 years and 13,620 VPD in 20 years.

13. There have been four property damage only accidents at the crossing since 1975.

14. Greeley estimates the cost of the proposed crossing changes at \$106,815 for the civil engineering work and that no crossing signal or surface work is necessary. The costs of the project will be paid for through Greeley's capital improvements program.

15. Greeley proposes to start construction in July 2019 and be complete by December 2019. We will require Greeley 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 December 31, 2019. 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.

16. We will require Greeley to update the crossing inventory for the changed crossing conditions and to file a copy of the updated crossing inventory form with the Commission with the completion of the crossing work by December 31, 2019.

C. Conclusions

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

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

19. 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, 4 *Code of Colorado Regulations* 723-1 of the Commission's Rules of Practice and Procedure.

20. Based on the Findings of Fact, we find that 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 City of Greeley (Greeley) on May 23, 2019, seeking authority to replace pavement, install non-traversable concrete medians on each roadway approach, and install signs and pavement markings including "No Train Horn" plaques at the existing crossing of 5th Street with the tracks of the Union Pacific Railroad Company at railroad milepost 52.08 on the Greeley Subdivision, National Inventory No. 804851U, in Greeley, County of Weld, State of Colorado was deemed complete within the meaning of § 40-6-109.5, C.R.S., by operation of rule on July 9, 2019.

2. The Application is granted.

3. Greeley is authorized and ordered to proceed with replacement of pavement, installation of non-traversable concrete medians on each roadway approach, and installation of signs and pavement markings including W10-9P "No Train Horn" plaques on the advance warning signs when the proposed quiet zone becomes effective.

4. Greeley 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

December 31, 2019. However, we understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

5. Greeley will be required to update the crossing inventory form showing the changed crossing conditions and file a copy of that updated inventory form in this proceeding at the end of the project by December 31, 2019.

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 Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
July 10, 2019.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

FRANCES A. KONCILJA

JOHN GAVAN

Commissioners