

Decision No. C19-0745-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0413R

IN THE MATTER OF THE APPLICATION OF THE COLORADO DEPARTMENT OF TRANSPORTATION AND DOUGLAS COUNTY FOR AUTHORITY TO INSTALL A NEW TRAFFIC SIGNAL AT THE INTERSECTION OF THE INTERSTATE 25 WEST FRONTAGE ROAD AND TOMAH ROAD, WITH INTERCONNECTION TO THE EXISTING ACTIVE WARNING DEVICES AT THE ADJACENT TOMAH ROAD CROSSING OF TRACKS OWNED BY BNSF RAILWAY COMPANY, USDOT NO. 003593E, IN DOUGLAS COUNTY, STATE OF COLORADO.

**INTERIM COMMISSION DECISION
DEEMING APPLICATION COMPLETE
AND APPROVING PRELIMINARY DESIGN PLANS**

Mailed Date: September 13, 2019
Adopted Date: September 11, 2019

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an application (Application) filed by the Colorado Department of Transportation (CDOT) and Douglas County Public Works (collectively Applicants) on July 26, 2019, seeking preliminary approval of design plans to install a new traffic signal at the intersection of the Interstate 25 (I-25) west Frontage Road and Tomah Road with interconnection to the existing active warning devices at the adjacent Tomah Road crossing with the tracks of the BNSF Railway Company (BNSF) at railroad milepost 37.438 on the Pikes Peak Subdivision, National Inventory No. 003593E, near the Town of Larkspur, Douglas County, 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 July 29, 2019.

3. On July 31, 2019, Staff of the Commission sent a Deficiency Letter outlining required information for preliminary applications that was missing from the Application.

4. On August 1, 2019, CDOT submitted an Amendment to the Application providing the information missing from the original Application.

5. On August 27, 2019, BNSF filed a Notice of Intervention. BNSF does not object to preliminary approval, but states it is still reviewing the design and providing comments to the Applicants and reserves all rights to object to final approval and to continue to provide comments to the Applicants on the design proposal.

6. 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.

7. Now being fully advised in the matter, we approve the preliminary design plans provided in the Application.

B. Findings of Fact

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

9. The Applicants are requesting authority to install a traffic signal at the intersection of the I-25 west Frontage Road and Tomah Road and to interconnect that traffic signal with the existing active warning signals at the Tomah Road crossing of BNSF located west of the intersection.

10. The Applicants are seeking this change because of the volumes of traffic that use the I-25 west Frontage Road to bypass congestion on I-25. The I-25 Frontage Road was a two-lane road. When southbound right-turning vehicles were stopped to wait for a train, drivers wanting to continue through would drive around the stopped vehicles into the northbound lane of

traffic resulting in numerous incidents between northbound and southbound vehicles on the I-25 Frontage Road. An additional southbound right-turn lane was added at the intersection to help alleviate the right-turn queue allowing southbound through traffic to proceed unobstructed. The second phase of changes at this intersection involves cooperation between the Applicants to install a traffic signal at the intersection with interconnection to the railroad signal to provide a safer access for Tomah Road traffic wishing to turn northbound onto the I-25 Frontage Road in addition to providing clearance of vehicles from the track in the event of an approaching train.

11. The Applicants state there are currently 20 trains per day that use the crossing at a maximum timetable speed of 45 miles per hour (MPH) with no estimates of increases or decreases in these volumes in the future. There are currently 5,567 vehicles per day (VPD) with less than 2 percent heavy vehicles and no school buses using the crossing at a posted speed limit of 50 MPH with an estimated increase to 6,400 VPD by 2024 and 8,600 VPD by 2039.

12. There has been one property damage only accident reported at the crossing in 1977 when the crossing had passive warning devices.

13. The Applicants estimate the cost of the traffic signal construction and associated civil engineering work at \$571,155 with the estimate for the BNSF signal interconnect and schematic drawing to be submitted at a later date with the final plans. The costs of the project will be paid for through County funds allocated by the Denver Regional Council of Governments.

14. The Applicants wish to start construction on November 1, 2019 and be complete by June 1, 2020. The Applicants are requesting preliminary approval of the attached plans and propose that final plans will be provided to the Commission once the railroad estimate and schematic diagram are received from the railroad by October 11, 2019. The Applicants have

waived the applicable statutory period found at § 40-6-109.5, C.R.S., regarding the time limit for decisions.

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 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.

18. Based on the Findings of Fact, we find that good cause exists and that the requirements of public safety and necessity are met by approving the Applicants' preliminary plans consistent with the above discussion. The Applicants will be expected to file final plans in this proceeding by October 11, 2019 for Commission review and approval and BNSF will be required to provide the outstanding cost estimate and schematic plan to the Applicants in sufficient time for the Applicants to file these final plans by October 11, 2019.

II. ORDER

A. The Commission Orders That:

1. The application filed by the Colorado Department of Transportation and Douglas County Public Works (collectively Applicants) on July 26, 2019, as amended on August 1, 2019 seeking preliminary approval of design plans to install a new traffic signal at the intersection of the Interstate 25 west Frontage Road and Tomah Road with interconnection to the existing active

warning devices at the adjacent Tomah Road crossing with the tracks of the BNSF Railway Company (BNSF) at railroad milepost 37.438 on the Pikes Peak Subdivision, National Inventory Number 003593E, near the Town of Larkspur, Douglas County, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The intervention of BNSF is granted.
3. The Applicants' waiver of the applicable statutory period found at § 40-6-109.5, C.R.S., regarding the time limit for decisions is noted.
4. The preliminary plans filed by the Applicants are approved.
5. BNSF will be expected to provide the outstanding cost estimate and schematic diagram to the Applicants in this proceeding to provide the Applicants sufficient time to file the final plans in this proceeding by October 11, 2019.
6. The Applicants will be expected to file the final design plans for Commission review and approval by October 11, 2019.
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
September 11, 2019.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

FRANCES A. KONCILJA

JOHN GAVAN

Commissioners