

Decision No. C20-0070-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0688R

IN THE MATTER OF THE APPLICATION OF THE COLORADO DEPARTMENT OF TRANSPORTATION, ON BEHALF OF THE TOWN OF PLATTEVILLE, FOR AUTHORITY TO REMOVE EXISTING PASSIVE WARNING SIGNS, CROSSING SURFACE AND ROAD APPROACHES TO CLOSE THE EXISTING CROSSING AT TRACKS OWNED BY UNION PACIFIC RAILROAD COMPANY CROSSING COUNTY ROAD 30, USDOT NO. 804-338H, IN WELD COUNTY, STATE OF COLORADO.

**INTERIM DECISION DEEMING
APPLICATION COMPLETE
AND REQUESTING
ADDITIONAL INFORMATION**

Mailed Date: January 31, 2020

Adopted Date: January 29, 2020

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) on behalf of the Town of Platteville on December 3, 2019, requesting authority to abolish the existing at-grade highway-rail crossing of Weld County Road 30 (WCR 30) with the tracks of the Union Pacific Railroad Company (UPRR) at railroad milepost 34.02 of the Greeley Subdivision by closure and removal of the roadway, National Inventory No. 804338H, in Platteville, County of Weld, State of Colorado.

2. The Commission gave notice of this Application to all interested parties, including adjacent property owners in accordance with § 40-6-108(2), C.R.S. The Notice was mailed December 18, 2019.

3. Notice of proposed closure of the existing WCR 30 crossing was posted at the crossing by Chad Hall on December 18, 2019 as stated in the Affidavit of Chad Hall and filed with the Commission on December 26, 2019. The affidavit includes photos of the notice posted at the subject crossing.

4. There were no interventions filed in this matter.

5. Four public comments were received in this matter.

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 request additional information from CDOT in response to concerns raised in the public comments.

8. The Commission gave notice to all interested parties, including the adjacent property owners. No intervention was received opposing the Application. Four public comments were filed regarding the Application.

9. CDOT proposes to abolish the crossing of WCR 30, which is a two-track crossing, by closure and removal of the roadway. CDOT states that closure of this crossing is part of a Purchase and Sale Agreement between CDOT and UPRR to purchase right-of-way for the U.S. 85 corridor. CDOT, UPRR, and Weld County worked together to identify locations for road closures as part of the Purchase and Sale Agreement with CDOT's goal from the negotiation to obtain full fee ownership from UPRR for the U.S. 85 ROW, with UPRR's goal from the negotiation to mitigate capacity impairments and to close the Purchase and Sale Agreement, and with Weld County's goal from the negotiation to ensure the long-term stability of the U.S. 85 corridor that improves safety of the highway and rail corridors, improves operational efficiencies to enhance economic development opportunities, and reduces conflicts for

communities while also ensuring reliable emergency response time. Weld County is contracting via Intergovernmental Agreement with Platteville for the closure work

10. The WCR 30 crossing is a two-track crossing that has crossbucks and stop signs as warning devices. There are currently 200 vehicles per day that use the crossing at a speed limit of 55 miles per hour (MPH). There are currently approximately ten trains per day that use the crossing at a maximum timetable speed of 60 MPH. There have been four collisions at the crossing including the latest in 2016 that resulted in the fatality of the truck driver.

11. There were four public comments filed in this proceeding from residents that live along WCR 30. All four public comments include references to decreased property values, extended travel times for these residents to get to the Town of Platteville and U.S. 85, and concern about the time it will take for emergency vehicles to access homes along WCR 30.

12. While property and vehicle values are not among the items the Commission is to consider when determining whether or not to abolish a crossing, the issues of the extended travel distance and time, and emergency vehicle response time are important issues for consideration.

13. The public commenters provide information that closure of the WCR 30 would add anywhere from 4.5 miles to 14 miles and 30 minutes round trip on mostly dirt roads for residents and would add additional time for emergency responders. One commenter provided a statement that if Front Street were extended south to WCR 30, many of these issues would be mitigated.

14. In reviewing the Application, no information has been provided regarding these issues and if any proposed or planned future mitigation for these issues have been discussed with the affected entities.

15. We request that CDOT provide additional information in this application that answers and provided information regarding the following questions:

- a) What is the maximum distance a resident living along WCR 30 near the crossing would have to travel to access US 85 if the WCR 30 crossing is abolished?
- b) What is the impact on emergency services and response times if the WCR 30 crossing is abolished?
- c) Are emergency service providers aware of this proposed closure and have they determined how such a closure would impact their emergency response times to residents along WCR 30?
- d) Does the Town of Platteville and/or Weld County have any plans to extend Front Street from its present termination point to WCR 30? What would be the costs associated with extending Front Street and what would the timeline be for this extension project?
- e) What mitigation measures, if any, are being taken to mitigate any of the emergency service and additional travel issues discussed by the public commenters?

16. We request that CDOT provide answers to the above questions by February 29, 2020.

II. ORDER

A. It Is Ordered That:

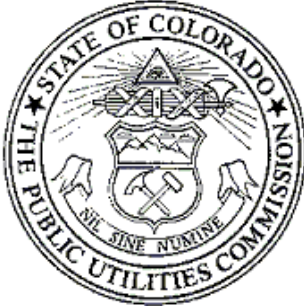
1. This application filed by the Colorado Department of Transportation (CDOT) on behalf of the Town of Platteville on December 3, 2019, requesting authority to abolish the existing at-grade highway-rail crossing of Weld County Road 30 with the tracks of the Union Pacific Railroad Company at railroad milepost 34.02 of the Greeley Subdivision by closure and removal of the roadway, National Inventory No. 804338H, in Platteville, County of Weld, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. CDOT is requested to answer the questions listed in Paragraph 15 above and provide additional information for the record on concerns raised by the public commenters.

3. The Commission retains jurisdiction to enter further required decisions.
4. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 29, 2020.**

(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