

Decision No. C20-0733

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0367R

IN THE MATTER OF THE APPLICATION OF THE ROARING FORK TRANSPORTATION AUTHORITY FOR AUTHORITY TO MODIFY TRAIL CROSSING IN LIEU OF EXISTING RAILROAD FLASHING SIGNALS AT THE CROSSING OF GARFIELD COUNTY HIGHWAY 154 (DOT # 253-723M).

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

Mailed Date: October 16, 2020

Adopted Date: October 14, 2020

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an application (Application) filed by the Roaring Fork Transportation Authority (RFTA) on September 2, 2020, requesting authority to install rectangular rapid flashing beacons as an interim replacement for the inactive railroad flashing lights and bells authorized by PUC Decision No. 56802 in 1961 at the crossing of Garfield County Highway (GCR) 154 with the railbanked corridor of the former Aspen Branch of the Union Pacific Railroad Company at RFTA Rio Grande Trail System milepost 5.1, National Inventory No. 253723M, in Garfield County 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 September 8, 2020.

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. 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 opposing the Application.

7. RFTA is requesting authority to make a change at the crossing of GCR 154 by installing rectangular rapid flashing beacons. This request is an interim measure at this location since the corridor is railbanked, has had the rail removed, and is currently functioning as the Rio Grande Trail. The previous flashing lights and bells at the crossing still remain, and have been marked as “Exempt”. The trail crosses the roadway at a skew, which can make it difficult for one mode of users to see the other mode at this crossing location. The rectangular rapid flashing beacons will allow trail users a safer opportunity to cross GCR 154. Trail users would activate the rapid flashing beacons to signal GCR 154 users to yield the right-of-way to the trail users. Once trail users have crossed, or the rapid flashing beacons cease operation, vehicles on GCR 154 may continue forward.

8. A review of the plans for the proposed rectangular rapid flashing beacons show that there is nothing with the proposed installation that would create issues should the railbanked corridor be reactivated. These flashing beacon signals can easily be removed if train operations begin on this corridor again.

9. RFTA proposes to start the construction in September 2020 or as soon as practicable after Commission approval of this Application and be complete by September 15, 2020 or as soon as practicable after Commission approval. We will require that RFTA 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 November 30, 2020. 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.

C. Conclusions

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

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

12. 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.

13. We find that good cause exists and that the requirements of public safety are met by granting the Application as amended consistent with the above discussion.

II. ORDER

A. The Commission Orders That:

1. The application (Application) filed by the Roaring Fork Transportation Authority (RFTA) on September 2, 2020, requesting authority to install rectangular rapid flashing beacons as an interim replacement for the inactive railroad flashing lights and bells authorized by PUC Decision No. 56802 in 1961 at the crossing of Garfield County Highway (GCR) 154 with the railbanked corridor of the former Aspen Branch of the Union Pacific Railroad Company at

RFTA Rio Grande Trail System milepost 5.1, National Inventory No. 253723M, in Garfield County State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The Application is granted.

3. RFTA is authorized and ordered to proceed with the installation of the rectangular rapid flashing beacon signal at the crossing of the Rio Grande Trail with GCR 154 in Garfield County, Colorado.

4. RFTA 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 November 30, 2020. However, we understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

5. 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.

6. The Commission retains jurisdiction to enter further decisions as necessary.

7. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 14, 2020.**

(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

JOHN GAVAN

MEGAN M. GILMAN

Commissioners