

Decision No. C20-0862

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 20A-0434R

---

IN THE MATTER OF THE APPLICATION OF THE CITY OF LOVELAND FOR AUTHORITY TO CONSTRUCT A DETACHED WALK, AND INSTALL SURFACING FOR THE DETACHED WALK, AT TRACKS OWNED BY BNSF RAILWAY COMPANY, ON THE NORTH SIDE OF THE VEHICULAR CROSSING OF WEST 57TH STREET, USDOT NO. 244601J, IN LARIMER COUNTY, STATE OF COLORADO.

---

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

---

---

Mailed Date: December 10, 2020

Adopted Date: December 9, 2020

**I. BY THE COMMISSION**

**A. Statement**

1. This matter comes before the Commission for consideration of an application (Application) filed by the City of Loveland (Loveland) on October 23, 2020, requesting final authority to install a detached sidewalk on the north side of the existing West 57th Street crossing with the tracks of the BNSF Railway (BNSF) at railroad milepost 64.55, National Inventory No. 244601J, in Loveland, County of Larimer, 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 October 26, 2020.

3. On November 16, 2020, BNSF filed a Notice of Intervention. BNSF does not contest or oppose the Application. There were no interventions filed in this matter.

4. The Commission has reviewed the Application and deems the Application 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. Loveland proposes to add a detached sidewalk to the north side of the crossing of 57th Street across the tracks of the BNSF. Loveland requests approval to add additional crossing panels to allow the sidewalk extension through the crossing. The purpose of this project is to connect the Copper Ridge Trail from the east side through to the west side of the railroad right-of-way.

8. The proposed sidewalk will be constructed on the north side of the existing crossing and will consist of a 10' concrete sidewalk that will be detached and will be located behind the existing flashing light and gate mechanisms at the crossing. There will be the need for two additional crossing surface panels to be added to the existing crossing to accommodate the new sidewalk. No additional changes are planned at the crossing other than the addition of the sidewalk.

9. Loveland states there are currently approximately 14,264 vehicles per day (VPD) using 57th Street based on 2019 counts with approximately ten percent heavy vehicle and school buses using the crossing at a posted speed limit of 40 miles per hour (MPH). Loveland estimates traffic volumes at 16,878 VPD by 2024 and 18,500 VPD by 2039. Loveland anticipates 20 users of the trail initially with estimated growth projected at 125 pedestrian users and 180 bicycle users per day in 20 years. There are currently approximately eight trains per day using the crossing at

a maximum timetable speed of 49 MPH with no current estimates for future changes to train volumes at this time.

10. Loveland estimates the cost of the project for the crossing surface additions at \$8,167 for the crossing surface and \$115,279.50 for the civil engineering work with Loveland Capital Construction Funds paying for the entire cost of the project.

11. Loveland proposes to start construction in December 2020 and be completed with the project by May 2021. Loveland will be required to file a copy of the signed Construction and Maintenance Agreement in this proceeding by December 31, 2020 prior to starting the sidewalk work at the crossing. Loveland will also be required to inform the Commission in writing that all work is complete and operational within ten days of completion. The Commission will expect this letter no later than May 31, 2021. 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**

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

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

14. 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.

15. We find that good cause exists and that public safety will be improved 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 Loveland (Loveland) on October 23, 2020, requesting final authority to install a detached sidewalk on the north side of the existing West 57th Street crossing with the tracks of the BNSF Railway (BNSF) at railroad milepost 64.55, National Inventory No. 244601J, in Loveland, County of Larimer, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. BNSF's intervention is noted.

3. The Application is granted.

4. Loveland is authorized and ordered to proceed with construction of the detached sidewalk on the north side of the 57th Street in Loveland, Colorado.

5. Loveland shall file a copy of the signed Construction and Maintenance Agreement with the Commission by December 31, 2020 prior to starting any construction at the crossing.

6. Loveland shall inform the Commission in writing when the construction is complete and operational within ten days of completion. The Commission will expect the letter by May 31, 2021. However, the Commission understands this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

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  
December 9, 2020.**

( S E A L )



ATTEST: A TRUE COPY

Doug Dean,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

---

JOHN GAVAN

---

MEGAN M. GILMAN

---

Commissioners