

Decision No. C21-0304

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 21A-0122R

IN THE MATTER OF THE APPLICATION OF CITY OF GREELEY PUBLIC WORKS DEPARTMENT FOR AUTHORITY TO CONSTRUCT ROADWAY, UTILITY, AND CROSSING IMPROVEMENTS PROPOSED AT NORTH 59TH AVENUE (US DOT NO. 245120U) IN THE CITY OF GREELEY, WELD COUNTY, STATE OF COLORADO.

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

Mailed Date: May 21, 2021
Adopted Date: May 19, 2021

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 March 17, 2021, requesting authority to widen the existing at-grade crossing and replace the flashing lights, gates, and bells at the crossing of 59th Avenue with the tracks of the Great Western Railway of Colorado (GWR) at railroad mile post 93.74 on the Greeley Subdivision, National Inventory No. 245120U, in Greeley, County of Weld, 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 April 12, 2021.

3. There were no interventions 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 approve the preliminary design plans provided in 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. Greeley is requesting authority to make changes at the existing at-grade controlled crossing of 59th Avenue with the GWR Greeley Subdivision. Greeley proposes to widen the crossing from two lanes to four 12' lanes, an 11' raised median, two 6' future bike lanes, and a 2.5' curb and gutter with space and grading for two future 8' sidewalks. The roadway on each side of the crossing will transition from the four lanes at the crossing to two-lane roadways until such time as the roadway widening of 59th Avenue on each side of the crossing occurs during this project. Active warning consisting of flashing lights, gates and bells with median flashing lights and gates, pavement markings, and W10-1 advanced warning signs.

8. Greeley states that there are approximately 7,500 vehicles per day as of 2019 with approximately 2 percent trucks using the crossing and no school buses regularly using the crossing at a posted speed limit of 45 miles per hour (MPH). This traffic volume is estimated to grow to 12,000 within 20 years. There are currently approximately two trains per day using the crossing at a maximum speed of ten MPH with no estimates for increases or decreases in the future.

9. There have been two property damage only accidents, one injury accident, and one fatal accident at the crossing since 1975.

10. Greeley estimates the cost of this project at \$99,360 to remove existing signals and pavement markings, \$274,024 for civil and new signal work, and \$97,845 for utility relocation and contingencies (total \$383,169) with all funding currently available.

11. Greeley proposes to provide the final plans for approval in June 2021 and start construction of the project by June 2022 and be complete by December 31, 2022. Greeley has waived the applicable statutory period found at § 40-6-109.5, C.R.S., regarding the time limit for decisions.

12. We have performed a preliminary review of the future plans and discussion of the proposed scope for the project. The preliminary plans, specifications, and discussions are reasonable, although we will need to review final plans that will be filed at a later date.

C. Conclusions

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

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

15. 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.

16. Based on the Findings of Fact, we find that good cause exists and that the requirements of public safety are met by approval of Greeley's preliminary level design plans consistent with the above discussion. Greeley will be expected to file the final plans in this proceeding for Commission review and approval by June 2021.

II. ORDER

A. The Commission Orders That:

1. The application filed by the City of Greeley (Greeley) on March 17, 2021, requesting authority to widen the existing at-grade crossing and replace the flashing lights, gates, and bells at the crossing of 59th Avenue with the tracks of the Great Western Railway of Colorado at railroad mile post 93.74 on the Greeley Subdivision, National Inventory No. 245120U, in Greeley, County of Weld, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. Greeley’s waiver of the applicable statutory period found at § 40-6-109.5, C.R.S., regarding the time limit for decisions is noted.

3. The preliminary level plans filed by Greeley are approved.

4. Greeley will be expected to file the final design plans for Commission review and action by June 30, 2021.

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
May 19, 2021.**

(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

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JOHN GAVAN

MEGAN M. GILMAN

Commissioners