

Decision No. C22-0598

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22A-0363R

IN THE MATTER OF THE APPLICATION OF THE COLORADO DEPARTMENT OF TRANSPORTATION ON BEHALF OF SAN LUIS CENTRAL RAILROAD (SLC) AND SAN LUIS & RIO GRANDE RAILROAD (SLRG) FOR AUTHORITY TO UPGRADE EXISTING INCANDESCENT RAILROAD FLASHERS TO LED FLASHERS AT FOUR CROSSINGS OF SLC TRACKS, AND ONE CROSSING OF SLRG TRACKS IN RIO GRANDE COUNTY AND SAGUACHE COUNTY, STATE OF COLORADO.

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

Mailed Date: October 5, 2022
Adopted Date: October 5, 2022

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 August 17, 2022, requesting authority to upgrade the flashing light signals from incandescent bulbs to LED lenses at the crossing of State Highway 112 with the San Luis Central Railroad in Saguache County, the three crossings of the San Luis Central Railroad with Rio Grande County Road (CR) 5N, National Inventory No. 862067L, CR 6N, National Inventory No. 862069A, CR 7N, National Inventory No. 862071B, SH 112, National Inventory No. 862080A, and the crossing of Sherman Avenue with the tracks of the San Luis & Rio Grande, National Inventory No. 253875J in Rio Grande, 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 August 22, 2022.

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

6. Now being fully advised in the matter, we grant the Application.

B. Findings of Fact

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

8. CDOT is proposing to change the incandescent lights to LED signals in all of the flashing light signals of four crossings of the San Luis Central and one crossing of the San Luis & Rio Grande. These crossings were identified as part of the Section 130 program as having incidents or the potential incidents with the signals oriented for eastbound and westbound travel because the incandescent lights can be hard to see during times of the day when the sun is in drivers' eyes. To improve the motorist visibility of these flashing signals, CDOT and the railroads determined that upgrading the flashers from incandescent bulbs to LED signals should improve motorist visibility of these flashing lights.

9. CDOT states there are two thru trains per day using the San Luis Central crossings and two switching trains per day using the CR 6N and HWY 112 crossings with the San Luis Central. There are four thru trains and four switching trains per day that use the

crossing of the San Luis & Rio Grande. All train movements are at a maximum timetable speed of 10 miles per hour (MPH) with no estimates of increases or decreases in these volumes in the future. CDOT states there are currently the following current vehicles per day (VPD), five-year VPD, and 20-year VPD at a posted or statutory speed limit in miles per hour (MPH) at each crossing: CR 5N – 200 VPD, 230 VPD, 320 VPD, 50% heavy trucks, no school buses, 30MPH; CR 6N - 200 VPD, 230 VPD, 320 VPD, 50% heavy trucks, no school buses, 25MPH; CR 7N - 600 VPD, 690 VPD, 960 VPD, 13% heavy trucks, no school buses, 50MPH; SH 112 – 1,800 VPD, 2,070 VPD, 2,880 VPD, 50% heavy trucks, no school buses, 35MPH; and Sherman Avenue 600 VPD, 690 VPD, 960 VPD, no heavy trucks, school buses use this crossing, 45MPH.

10. CDOT estimates the cost of the flashing light replacements on the San Luis Central at \$7,320.38 and the flashing light replacements on the San Luis & Rio Grande at \$2024.01. The CDOT Section 130 program will pay for 100 percent of the costs of this project.

11. CDOT proposes starting the changes by October 3, 2022 and be complete by December 30, 2022 with the railroads installing the new lenses.

12. CDOT will be required 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 December 30, 2022. 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.

13. We will require the San Luis Central and the San Luis & Rio Grande to update the crossing inventory form for the changed crossing conditions and to file a copy of the updated crossing inventory form with the Commission with completion of the crossing work by December 30, 2022.

C. Conclusions

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

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

16. 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.

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

II. ORDER

A. The Commission Orders That:

1. The application filed by the Colorado Department of Transportation (CDOT) on August 17, 2022, requesting authority to upgrade the flashing light signals from incandescent bulbs to LED lenses at the crossing of State Highway 112 with the San Luis Central Railroad in Saguache County, the three crossings of the San Luis Central Railroad with Rio Grande County Road (CR) 5N, National Inventory No. 862067L, CR 6N, National Inventory No. 862069A, CR 7N, National Inventory No. 862071B, SH 112, National Inventory No. 862080A, and the crossing of Sherman Avenue with the tracks of the San Luis & Rio Grande, National Inventory No. 253875J in Rio Grande , State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The Application is granted.

3. CDOT, the San Luis Central Railroad, and the San Luis & Rio Grande Railroad are authorized and ordered to proceed with the replacement of the incandescent bulbs with LED lenses at the crossings of Rio County Roads 5N, 6N, 7N, State Highway 112, and Sherman Avenue.

4. CDOT 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 December 30, 2022. However, we understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

5. CDOT will be required to work with the San Luis Central Railroad and the San Luis & Rio Grande Railroad to update the crossing inventory form showing the changed crossing conditions and filing a copy of that updated inventory form in this proceeding at the end of the project by December 30, 2022.

6. 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.

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

8. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 5, 2022.**

(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

ERIC BLANK

JOHN GAVAN

MEGAN M. GILMAN

Commissioners