

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0219R

IN THE MATTER OF THE APPLICATION OF THE TOWN OF MEAD FOR AUTHORITY TO REPLACE EXISTING CROSSING MATERIAL AND LENGTHEN CROSSING MATERIAL TO ACCOMMODATE ROADWAY WIDENING AT TRACKS OWNED BY GREAT WESTERN RAILWAY CROSSING THIRD STREET, USDOT NO. 849-331L, IN WELD COUNTY, STATE OF COLORADO.

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

Mailed Date: June 29, 2023
Adopted Date: June 21, 2023

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an application (Application) filed by the Town of Mead (Mead) on May 1, 2023, requesting authority to construct sidewalks on both sides of the crossing and add additional crossing surface panels at the crossing of 3rd Street with the tracks of the Great Western Railway Company (GWR) at railroad milepost 8.52 of the Longmont Subdivision, National Inventory No. 849331L, in Mead, 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 May 8, 2023.

3. There were no interventions in this matter.

4. The Commission reviewed the Application and deemed the Application complete within the meaning of § 40-6-109.5, C.R.S. by operation of rule on November 25, 2021.

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. Mead proposes to construct new 8.5' sidewalks with curb and gutter on both sides of 3rd Street at the crossing of the tracks of the GWR. Mead also desires to remove the existing bituminous crossing surface material and replace the crossing with concrete crossing material with additional panels to accommodate the new sidewalks. The existing crossing has passive warning signs consisting of cross bucks and yield signs, which are proposed to remain.

8. Mead states that there are currently 3,231 vehicles per day (VPD) using 3rd Street with school buses using the crossing and approximately 1.4 percent heavy vehicles using the crossing at a posted speed limit of 25 miles per hour (MPH). Five-year and 20-year traffic projection are 3,567 VPD and 4,588 VPD, respectively. There is currently approximately one thru train per day using the crossing at a maximum timetable speed of 10 MPH with no current estimates for future changes to train volumes at this time.

9. No accidents have occurred at the crossing since the start of the Federal Railroad Administration accident tracking started in 1975.

10. Mead estimates the cost of the project at \$369,766 for the new crossing surface and approximately \$3.7 million for the civil engineering elements. Mead will be paying for the

project costs through a combination of local funds and Federal funds administrated by the Colorado Department of Transportation, which are currently available and encumbered.

11. Mead proposes starting construction in January 2024 and completing construction by December 2024. Mead will be required to file a copy of the signed Construction and Maintenance Agreement in this proceeding by December 31, 2023 prior to starting project work at the crossing. Mead 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 by December 31, 2024. 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 Town of Mead (Mead) on May 1, 2023, requesting authority to construct sidewalks on both sides of the crossing and add additional crossing surface panels at the crossing of 3rd Street with the tracks of the Great Western Railway Company (GWR) at railroad milepost 8.52 of the Longmont Subdivision, National Inventory No. 849331L, in Mead, County of Weld, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The Application is granted.

3. Mead is authorized and ordered to proceed with construction of a sidewalk on both sides of the crossing and widening and updating the crossing from bituminous material to concrete crossing material at the 3rd Street crossing in Mead, Colorado.

4. Mead shall file a copy of the signed Construction and Maintenance Agreement with the Commission by December 31, 2023 prior to starting any construction at the crossing.

5. Mead 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 December 31, 2024. However, the Commission understands this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

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
June 21, 2023.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

TOM PLANT

Commissioners