

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0201R

IN THE MATTER OF THE APPLICATION OF THE CITY AND COUNTY OF BROOMFIELD FOR AUTHORITY TO WIDEN WESTBOUND DILLON ROAD, ADD DETACHED SIDEWALK, AND INSTALL ACTIVE RAILROAD WARNING DEVICES AT THE SINGLE TRACK CROSSING OF WESTBOUND DILLON ROAD WITH TRACKS OWNED BY THE BNSF RAILWAY (USDOT NO. 919121R) IN THE CITY AND COUNTY OF BROOMFIELD, STATE OF COLORADO.

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

Mailed Date: June 3, 2019
Adopted Date: May 29, 2019

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an application (Application) filed by the City and County of Broomfield (Broomfield) on April 18, 2019, requesting authority to widen the existing crossing, add a detached sidewalk, and relocate the traffic signal active warning devices of the single track crossing of westbound Dillon Road with the tracks of the BNSF Railway Company (BNSF) at railroad milepost 18.877 of the Lyons Subdivision, Lafayette Spur, National Inventory No. 919121R, in Broomfield, 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 19, 2019.

3. On April 19, 2019, Staff of the Commission sent a deficiency letter to Broomfield outlining information missing from the Application required by and Rule 7204(a)(XII)(C), of the

Commission Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings, 4 *Code of Colorado Regulations* (CCR) 723-7.

4. On April 29, 2019, Broomfield filed a Motion for Extension of Time requesting additional time up to and including May 13, 2019 to provide the additional information missing from the Application.

5. On May 10, 2019, Broomfield filed an Amended Application providing the missing information to cure the Application deficiencies.

6. There were no interventions filed in this matter.

7. 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.

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

B. Findings of Fact

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

10. Broomfield is requesting authority to make a number of changes at the existing, single track at-grade crossing of westbound Dillon Road. Proposed civil engineering changes include changing from two lanes to three 11.5' lanes, one 4' paved shoulder, one 6' paved shoulder, and the addition of a 10' detached sidewalk along the north side of the roadway. The existing profile of the roadway will remain relatively unchanged. The existing traffic signal control would be relocated and would be upgraded to provide traffic signal indications over all three lanes of traffic. Pedestrian signal indicators would be added along the sidewalk at the tracks to provide active warning to pedestrians using the sidewalk at the track. Railroad crossing pavement markings as well as W10-1 advance warning signs are proposed on both the roadway

and the pedestrian sidewalk. R8-8 ‘Do Not Stop On Tracks’ signs are also proposed to be posted on the roadway at the location of the traffic signal.

11. The existing traffic signal does not have a signal cycle. The traffic signal rests in green until a train preempts the traffic signal. The existing traffic signal is operated with simultaneous preemption with a total of 66 seconds of preemption time. This provides sufficient time to stop traffic along westbound Dillon Road before providing a green signal indication to trains to move through the crossing. The proposed addition of pedestrian signals will have the pedestrian signals rest in walk until a train preempts the traffic signal. At that time, the pedestrian signals will provide 15 seconds of flashing don’t walk time and then will change to a don’t walk indication for the train to move through the crossing.

12. Broomfield seeks this authority to increase capacity on Dillon Road.

13. Broomfield states that the U.S. DOT inventory form has not been updated since 2013 and shows less than one train movement per day through the crossing at a maximum timetable speed of ten miles per hour (MPH) with no estimates of increases or decreases in these volumes in the future. There are currently 13,800 vehicles per day (VPD) with 3.5 percent heavy vehicles using the crossing at a posted speed limit of 30 MPH with traffic expected to increase to 15,400 VPD in 5 years and 21,300 VPD in 20 years. School buses do not use this crossing. Pedestrians and bicycles expected to use the crossing are estimated at 30 per day.

14. Broomfield estimates the cost of this project at \$320,000 with all costs for the project being paid by Broomfield.

15. Broomfield proposes starting construction in September 2019 with work being complete by October 2019. We will require that Broomfield file a copy of the signed

Construction and Maintenance Agreement for this project by August 31, 2019 prior to starting work at the crossing.

16. Broomfield 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 October 31, 2019. 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.

17. We will require BNSF 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 October 31, 2019.

C. Conclusions

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

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

20. 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 CCR 723-1.

21. 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 City and County of Broomfield (Broomfield) on April 18, 2019, requesting authority to widen the existing crossing, add a detached sidewalk, and relocate the traffic signal active warning devices of the single track crossing of westbound Dillon Road with the tracks of the BNSF Railway Company (BNSF) at railroad milepost 18.877 of the Lyons Subdivision, Lafayette Spur, National Inventory No. 919121R, in Broomfield, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The Application is granted.

3. Broomfield is authorized and ordered to proceed with changes at the existing, single track, at-grade westbound Dillon Road Street crossing including widening to three 11.5' lanes, one 4' paved shoulder, one 6' paved shoulder, and the addition of a 10' detached sidewalk along the north side of the roadway, relocation of the existing traffic signal control and upgrade to provide traffic signal indications over all three lanes of traffic, pedestrian signal indicators added along the sidewalk at the tracks, railroad crossing pavement markings as well as W10-1 advance warning signs installed on both the roadway and the pedestrian sidewalk, and R8-8 "Do Not Stop On Tracks" signs proposed to be posted on the roadway at the location of the traffic signal.

4. The existing simultaneous preemption time of 66 seconds will remain at the crossing.

5. Broomfield is required to file a signed copy of the Construction and Maintenance Agreement by August 31, 2019 with construction work at the crossing not expected to begin until these signed agreements are filed.

6. Broomfield 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 October 31, 2019. However, we understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

7. BNSF will be required 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 October 31, 2019.

8. 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.

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

10. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
May 29, 2019.**

(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

FRANCES A. KONCILJA

JOHN GAVAN

Commissioners