

Decision No. C23-0175

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0049R

IN THE MATTER OF THE APPLICATION OF THE CITY OF LONGMONT, COLORADO FOR AUTHORITY TO INSTALL GRADE SEPARATED CROSSINGS TO ACCOMMODATE A PEDESTRIAN UNDERPASS UNDER GREAT WESTERN RAILWAY OF COLORADO RAIL FACILITIES, OMNITRAX, IN THE CITY OF LONGMONT, WELD COUNTY, STATE OF COLORADO.

**COMMISSION DECISION DEEMING APPLICATION
COMPLETE, AND GRANDING APPLICATION**

Mailed Date: March 15, 2023
Adopted Date: March 15, 2023

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an application (Application) filed by the City of Longmont (Longmont) on January 26, 2023, seeking authority to construct a new grade-separated crossing to accommodate the Spring Gulch #2 Greenway Trail pedestrian underpass located at the intersection of Weld County Road 1 under the tracks of Great Western Railway Company (GWR) Longmont Track 1 at railroad milepost 2.08, no current National Inventory Number, in Longmont, 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 January 30, 2023.

3. No interventions were filed in this matter.

4. The Commission 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 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. Longmont proposes to construct a new grade separated pedestrian underpass for the Spring Gulch #2 Greenway Trail under the tracks of the GWR at railroad milepost 2.08 of the Longmont Track 1. Longmont states they are providing this grade separated crossing to provide a safe and effective transportation and recreational opportunities for both pedestrians and bicyclists between two of Longmont's most well used recreational facilities, the Union Reservoir and Sandstone Ranch. Additionally, the Spring Gulch #2 Greenway Trail connection provides some regional transportation benefit to both pedestrians and bicyclists. Longmont believes that by adding this proposed trail connection, residents in the eastern part of Longmont will have better access to an unbroken trail connection system that eventually connects to other regional trails such as the 12-mile LoBo trail which connects Longmont to Boulder.

8. The proposed new grade separation railroad bridge pedestrian pathway is designed as a single span 78-foot box culvert structure 217 feet by 9 inches long bridge structure to connect trail connections from Midway Boulevard and Industrial Lane. The underpass pedestrian and bikeway are proposed to have 13 feet of vertical clearance and 16 feet of clear width along the bridge structure. The proposed minimum clearances meet or exceed the minimum requirements found in Rules 7375 and 7327 of the Commission Rules Regulating

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

9. Longmont states there is currently one thru train per day using the crossing at a maximum timetable speed of 10 miles per hour with no anticipated increases or decreases in the number or character of train use known at this time. Longmont estimates the trail being used by 125 to 200 pedestrians and bicycles per day, 134 to 215 pedestrians and bicycles per day in five years and 168 to 269 pedestrians and bicycles per day in 20 years.

10. Longmont estimates the cost of the pedestrian grade separation project at \$3,930,278 with Longmont paying for all costs associated with this project.

11. Longmont proposes to start construction in April 2023 after PUC approval and finalization of a Construction and Maintenance Agreement and be complete by November 2023 with some final projects such as landscaping being completed in early 2024. Longmont will be required to provide a copy of the signed Construction and Maintenance Agreement with GWR for this project by April 30, 2023, prior to starting construction on this project.

12. Longmont will also be required to inform the Commission in writing that the grade separation structure is complete and operational within ten days of completion. The Commission will expect this letter by November 30, 2023. 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 GWR to obtain a new US DOT National Inventory Number for the crossing and file a copy of the new crossings inventory form for this new crossing in this

proceeding by the time of project completion. The Commission will expect this information to be filed with the completion of this project by November 30, 2023.

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 as amended 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.

17. Based on the Findings of Fact, we find that good cause exists and that the requirements of public safety and necessity are met by granting Longmont's Application consistent with the above discussion.

II. ORDER

A. The Commission Orders That:

1. The application (Application) filed by the City of Longmont (Longmont) on January 26, 2023, seeking authority to construct a new grade-separated crossing to accommodate the Spring Gulch #2 Greenway Trail pedestrian underpass located at the intersection of Weld County Road 1 under the tracks of Great Western Railway Company (GWR) Longmont Track 1 at railroad milepost 2.08, no current National Inventory Number, in Longmont, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The Application is granted.

3. Longmont is authorized and ordered to proceed with construction of the new pedestrian and bicycle grade separation structure under the tracks of the GWR at milepost 2.08 of the GWR Longmont Track 1 in accordance with the approved plans.

4. Longmont shall file a copy of the signed Construction and Maintenance Agreement with GWR for this project by April 30, 2023, prior to starting work at the crossing.

5. Longmont shall inform the Commission in writing when the widening work is complete and operational within ten days of completion. The Commission will expect this letter by November 30, 2023. 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. GWR will be required to obtain a new US DOT Inventory Number for the crossing and file a copy of the new National Inventory Form for this crossing and in this proceeding with the completion of the project by November 30, 2023.

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
March 15, 2023.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script, appearing to read 'G. Harris Adams'.

G. Harris Adams,
Interim Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

TOM PLANT

Commissioners