

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICATION OF)
THE COLORADO AND SOUTHERN RAILWAY)
COMPANY FOR AUTHORITY TO ABANDON A)
PORTION OF ITS ARKINS BRANCH WEST OF)
MILEPOST 63, ALL LOCATED IN LARIMER)
COUNTY, COLORADO.)

APPLICATION NO. 22341

May 16, 1967

Appearances: W. L. Peck, Esq., Denver, Colorado,
for Applicant;
J. L. McNeill, Engineer, Denver,
Colorado, of the Staff of the
Commission.

S T A T E M E N T

BY THE COMMISSION:

On December 29, 1966, instant application was filed with the Commission seeking authority for the abandonment and removal of 2.77 miles of the Arkins Branch Line extending west from Milepost 63 to the end of the line.

Thereafter, the matter was regularly set for a hearing to be held by the Commission at the Auditorium, Larimer County Court House, Fort Collins, Colorado, April 27, 1967, at ten o'clock A.M.; due notice thereof was forwarded to all known parties in interest. The matter was there heard and taken under advisement by the Commission.

In this application, we have the proposal of Applicant (C & S Railway) to abandon and remove the instant trackage for reasons that during June 1965, there was heavy flooding and high water along the Big Thompson River west of Loveland, Colorado, that weakened a number of the railroad bridges and seriously damaged plant of U. S. Gypsum Company, located at the west end of the rail line (Wilds Station). Shortly thereafter U. S. Gypsum decided to abandon its plant and the

remaining equipment was removed. U. S. Gypsum was principal user of the line, with a small volume of local freight being handled along the route eastward from Milepost 63. Hence, with loss of the U. S. Gypsum traffic, it appears there is no longer any need to justify restoration of the line and request is made for approval of the proposed track abandonment.

No one appeared at the hearing to protest the instant request and no complaints have been received by the Commission. Testimony in support of the application was given by E. A. Graham, Chief Engineer, and Bert Vickery, Jr., District Traffic Agent of C & S Railway.

Exhibits and explanatory data of Mr. Graham are summarized as follows:

Exhibit A. (Application).

Map of Loveland area. Scale 1" = 1 mile.

Shows Main-line of C & S Railway Denver-Wyoming service, in a north-south direction through Loveland. Arkins Branch extends westerly from Loveland for 5.08 miles to end of line MP 65.771.

Proposed abandonment from end of line to MP 63 is shown in yellow.

Exhibit B. (Application).

Map of Arkins Branch, west of MP 62 (Scale 1" = 400 feet).

Shows details of trackage and sidings at Walt (MP 62.4), Rist (63.3) and Wilds (65.77). Proposed abandonment in yellow.

Mr. Graham explained that following 1965 flood, it was not possible to operate over the west end of the line due to heavy damage and channel erosion at Bridges 64.30, 64.46 and 65.19 at Wilds. Water was over the track in many places, washing out ties and ballast and displacing the rail. Plant and facilities of U.S. Gypsum were damaged beyond ready repair and have since been dismantled and removed. On

basis of preliminary examinations, track restoration would also cost thousands of dollars. Meanwhile, no repair work has been done since there have been no requests for service; alternate trackage facilities for car unloading are being used at Loveland and there is no foreseeable demand for track repair or use.

With proposed abandonment, Mr. Graham explained it will be possible to salvage some of the better ties and there is now a demand for the medium weight rail (80 pounds per yard) for new industry installations. Proposed cut-off at Milepost 63 is in an area on high ground above the Big Thompson River; it is near a small industry development at the Walt Station; sufficient extra trackage is being retained for car storage and could readily serve any new industry development of the adjacent high ground area.

Mr. Vickery explained that in his work as Local Traffic Representative, he is stationed at Fort Collins, Colorado and knows the local situation at Loveland, which is only 13 miles to the south. He saw the flood damage and plant loss of U. S. Gypsum at the Wilds Station. In Exhibit C, correspondence of U. S. Gypsum, he showed the unsuccessful efforts which were made to secure another operation. Other exhibits which he explained are:

Exhibit D (Application).

Correspondence of John M. Johnson, as owner of pole yard and industry trackage at Wilds Spur.

No protest is made to the Wilds Spur removal, since his future plans for the area do not require Railroad service.

Exhibit E (Application).

Correspondence of Herbert D. Spencer, Chairman of Larimer County Commissioners, to concur with proposed abandonment plan.

It appears that Larimer County is planning to improve various roads in the local area; including what is known as "Old Stage Coach

Road" which passes under the Railroad Bridge 63.26. The present roadway between the bridge piling supports is quite narrow. No objection is made to the proposed track removal, since the narrow bridge will thereby be eliminated.

Exhibit F (Application).

Statement of Carload Traffic handled at Wilds July 1962 through October 1966.

Mr. Vickery explained that customers being served by the Branch Line before the flood are currently receiving alternate service from siding trackage at Loveland and Walt; or went out of business as case of U. S. Gypsum. Meanwhile, with track being in good condition to Milepost 63, service has been continued and will be available to future development in this area.

Exhibit No. 1 - (Presented at the Hearing)

Correspondence by Loveland Chamber of Commerce to show agreement of Loveland Development Fund for proposed termination of Arkins Branch at Milepost 63.

In this regard Mr. Vickery explained that efforts by the Loveland Development Fund to secure new local industry extended into the Walt area served by the Arkins Branch. Also, that former customers at the Rist siding (MP 63.3) to be abandoned, had shown a preference for facilities in the Walt development.

According to Mr. Vickery it is proposed that train service to the Walt area will continue according to customer needs. Operation on the Branch line consists of movements by the Local switch engine and crew that operates six days per week on the main-line through Loveland, Colorado.

On the basis of Commission questioning, it appears that utility lines of the City of Loveland for electricity, water and gas are located in various places along the route to be abandoned. Use of the right of

way by the utilities has been on a contract basis with the railroad and future easement negotiations will be dependent on nature of land title involved. Cognizance of the situation was reported by Traffic Agent Mr. Vickery regarding inquiries of Loveland Development Fund pertaining to right of way use.

Relative to track removal and salvage of useful materials, Mr. Graham explained old ties would be scrapped, ballast smoothed, embankment to remain and piling cut off at ground line in removal of Bridge 63.26 at the County Road.

Commission review of the Branch line traffic is summarized from Exhibit F as follows:

WILDS STATION - ARKINS BRANCH			
Summary of Carload Traffic 1963 - 1964 - 1965 (6 mos.)			
	<u>1963</u>	<u>1964</u>	<u>1965 (6 Mos.)</u>
<u>Forwarded By:</u>			
U. S. Gypsum Co.	453 cars	422	157
Others	-	-	-
<u>Received By:</u>			
U. S. Gypsum Co.	309	298	126
Others	10	13	-
Total	319	311	126
<u>Summary:</u>			
Total Cars & Percent	772	733	283
U. S. Gypsum Co.	762 - 98.7%	720 - 98.2%	283 - 100%
Others	10 - 1.3%	13 - 1.8%	- -

F I N D I N G S

THE COMMISSION FINDS:

That the instant matter is within the jurisdiction of this Commission.

That the above and foregoing Statement is hereby made a part of these Findings by reference.

That by and through causes beyond its control, railroad

business amounting to 98% of the carload traffic at the Wilds Station MP 65.77 has been lost to Colorado & Southern Railway Company by flood damage and removal of the U. S. Gypsum plant at Wilds, Colorado.

That under the evidence presented, there is not sufficient need or convenience to justify continued maintenance, improvement or operation of the Arkins Branch Line extending from M.P. 63.0 to end of the line at Wilds Station.

That alternate and satisfactory substitute facilities have been used for remaining traffic and are available for present and foreseeable needs of the area.

That the authority sought should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Applicant, The Colorado & Southern Railway Company, be, and is hereby granted a certificate of public convenience and necessity as authority and approval for the following changes pertaining to trackage of the Arkins Branch Line west from Loveland, Colorado.

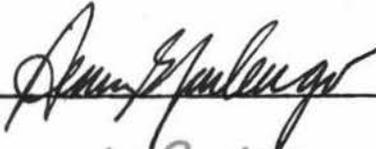
- a. Call and Demand switching service shall continue and trackage remain in service from main-line connection at Loveland, Colorado, and westerly to new terminal at Milepost 63.0 on the Spur line.
- b. To abandon remainder of the line, right of way and service extending from Milepost 63.0, westward to end of the Branch line, and to remove ties and tracks in full, including switches and yard tracks at Rist and Wilds, Colorado.

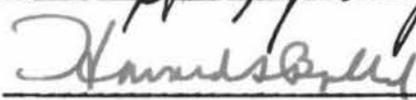
That reference shall be made to this Decision in the affected tariffs as required, to show the station changes and as authority for said action.

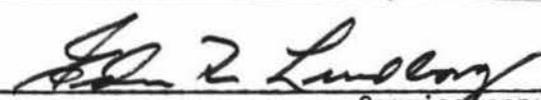
That trackage removal and reasonable clean-up of the right of way shall be completed within one year from the effective date of this Order.

This Order shall become effective twenty-one (21) days from date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 16th day of May, 1967.
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