

Decision No. C23-0318

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0130R

IN THE MATTER OF THE APPLICATION OF THE COLORADO DEPARTMENT OF TRANSPORTATION FOR AUTHORITY TO INSTALL FLASHING LIGHT SIGNALS WITH BELLS AND OVERHEAD CANTILEVER FLASHERS, FOR MANUAL OPERATION, ON EACH APPROACH, AT TRACKS OWNED BY DURANGO AND SILVERTON NARROW GAUGE RAILROAD COMPANY CROSSING WEST 6TH STREET/WEST COLLEGE DRIVE, USDOT NO. 253699N, IN LA PLATA, STATE OF COLORADO.

**COMMISSION DECISION
GRANTING APPLICATION**

Mailed Date: May 12, 2023
Adopted Date: May 10, 2023

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 March 15, 2023, requesting authority to install flashing light signals, overhead cantilever flashing signals and bells for manual operation by railroad staff on each approach of the highway-rail grade crossing of West 6th Street/West College Drive (College Drive) with the tracks of the Durango and Silverton Narrow Gauge Railroad (DSNGR) at railroad milepost 451.62 of the DSNGR Main Branch, U.S. DOT Number 253699N in the City of Durango, County of La Plata, 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 on March 20, 2023.

3. There were no interventions filed in this matter.

4. The Commission has reviewed the record in this matter and the Application was deemed complete within the meaning of § 40-6-109.5, C.R.S. by operation of rule on May 4, 2023.

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 seeks authority to install active warning devices including flashing lights, cantilever lights and bells on both sides of the crossing of College Drive and the DSNGR. These signals will be operated manually by DSNGR.

9. CDOT states the College Drive crossing contains two tracks that are just north of the DSNGR depot and is operated as a tourist railroad. There is poor approach visibility due to adjacent buildings that reduces the safety at the crossing. As a train pulls out of the depot or as a train is approaching the depot, DSNGR will activate the warning signals.

10. The Commission will require that these flashing light signals be activated a minimum of 20 seconds before the train arrives at the crossing.

11. CDOT states there are currently approximately eight train movement per day at a maximum timetable speed of 15 miles per hour (MPH) with no current projected changes. Traffic volumes at the crossing are estimated at 1,000 vehicles per day (VPD) with seven percent heavy vehicles and school buses using the crossing at a posted speed limit of 25 MPH. Traffic is projected to increase to 1,150 VPD in 5-years and 1,800 VPD in 20-years.

12. There have been four accidents at the crossing including one injury accident in 1984, and three property damage only accidents in 1983, 2003, and 2008.

13. CDOT estimates the cost of the project at \$520,549.07 with Federal Section 130 funds paying for the full cost of the project.

14. CDOT proposes to start construction on September 1, 2023, and complete construction of the project by December 31, 2024. We will require CDOT to inform us in writing that construction is complete within ten days of project completion. We shall expect this letter by December 31, 2024. However, we understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

C. Conclusions

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

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

17. 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, 4 CCR 723-1 of the Rules of Practice and Procedure.

18. 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 (Application) filed by the Colorado Department of Transportation on March 15, 2023, requesting authority to install flashing light signals, overhead cantilever flashing signals and bells for manual operation by railroad staff on each approach of the highway-rail grade crossing of West 6th Street/West College Drive (College Drive) with the tracks of the Durango and Silverton Narrow Gauge Railroad (DSNGR) at railroad milepost 451.62 of the DSNGR Main Branch, U.S. DOT Number 253699N in the City of Durango, County of La Plata, State of Colorado was deemed complete by operation of rule on May 4, 2023.

2. The Application is granted.

3. CDOT is authorized and ordered to upgrade the crossing of College Drive with the tracks of the DSNGR with flashing light signals, cantilever signals, and bells that will be operated manually by DSNGR.

4. DSNGR is required to ensure the crossing signals are activated at least 20 seconds before any train arrives at the crossing.

5. CDOT shall inform the Commission in writing when the crossing changes are complete within ten days of completion. The Commission will expect the letter by January 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
May 10, 2023.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

TOM PLANT

Commissioners