

Decision No. C23-0873

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0561R

IN THE MATTER OF THE APPLICATION OF THE CITY OF FORT COLLINS FOR AUTHORITY TO INSTALL A PEDESTRIAN/BICYCLE OVERPASS CROSSING OVER THE UNION PACIFIC RAILROAD TRACK THAT PARALLELS THE POWER TRAIL, TO PROVIDE A SAFE AND DESIGNATED CONNECTION TO THE POWER TRAIL FOR PEDESTRIANS/BICYCLISTS SOUTH OF HARMONY ROAD, NORTH OF TRILBY STREET, AND EAST OF THE RAILROAD TRACK (NO USDOT NO EXISTS) IN THE CITY OF FORT COLLINS, LARIMER COUNTY, STATE OF COLORADO.

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

Mailed Date: December 29, 2023

Adopted Date: December 27, 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 Fort Collins (Fort Collins) on November 14, 2023 requesting authority to construct a new pedestrian/bicycle grade separation for the Power Trail located south of Harmony Road and north of Trilby Street over the tracks of the Union Pacific Railroad Company (UPRR) at approximate railroad milepost 25.43 of the Fort Collins/Subdivision, no current National Inventory Number, in Fort Collins, County of Larimer, in the 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 November 20, 2023.

3. On December 18, 2023, UPRR filed an Entry of Appearance and Notice of Intervention. UPRR does not contest or oppose the Application.

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 consistent with the discussion below.

B. Findings of Fact

6. Fort Collins proposes to construct a new grade separated pedestrian and bicycle pathway of the Powerline Trail over the tracks of the UPRR in Fort Collins, Colorado. Fort Collins wants to construct this pedestrian/bicycle grade separation to provide a location for pedestrians and bicycles to cross the tracks of the UPRR at a location that is approximately halfway between the existing at-grade crossing of Harmony Road and Trilby Street. This additional crossing is needed as development continues around the area and to mitigate evidence of trail users crossing the railroad tracks at an unauthorized crossing between Harmony Road and Trilby Street. This new overpass called the Siphon Overpass will provide a safe designated route for the public to head east from the Power Trail. This new grade separated crossing allows the recently completed 0.75 miles of a multi-use trail along the Mail Creek Ditch to connect to the Siphon Overpass and Power Trail to Timberline where users can use the newly completed Timberline underpass to the east.

7. The proposed new grade separation over the UPRR tracks is designed as a two span structure with a span of 190'-6" from Pier 2 to the back face of Abutment 3 and a span of 32'-0" from the back face of Abutment 1 to Pier 2. The bridge structure is proposed to provide a minimum of 23'-4 1/2" of vertical clearance from the top of the location of a future track to the

bottom of the bridge structure and will provide a minimum of 50'-9 3/8" of horizontal clearance from the centerline of a future track to the nearest pier. The proposed minimum clearances meet or exceed the minimum requirements found in Rules 7324 and 7325 of the Commission Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings, 4 *Code of Colorado Regulations* (CCR) 723-7. The pedestrian/bicycle pathway will provide a minimum of 12'-0" of width from between the face of structure and provide a sheet metal roof over the structure between Pier 2 and back face of Abutment 3. Ramps to each side of the bridge structure are provided on both sides of the bridge.

8. Fort Collins states there are currently two trains per day using the crossing at a maximum timetable speed of 25 miles per hour (MPH) with no projections for increases or decreases in the future. With the development occurring in the area, the trail connections that will occur as a result of this grade separation, and the pedestrian and bicycles that will move from Harmony and Trilby Roads, Fort Collins currently has no estimates for the number of pedestrian and bicyclists that will use the trail now and in the future.

9. Fort Collins estimates the total cost of the pedestrian/bicycle bridge structure project at \$5,151,920 with Fort Collins paying for the cost of the project.

10. Fort Collins estimates the project will be started in October 2024 and be completed by May 2025. We will require Fort Collins to inform the Commission in writing that the project is complete and open for operations within ten days of the opening of the bridge. We will initially require this letter by May 31, 2025. However, we understand that completion of the project may occur earlier or later than this date depending on the construction schedule.

11. We will also require Fort Collins to file a copy of the signed Construction and Maintenance Agreement by October 31, 2024, prior to starting the bridge construction work at the crossing.

12. We will require the UPRR to assign a new U.S. DOT Inventory Number to this crossing and provide a copy of the new inventory form in this proceeding by the end of construction on May 31, 2025.

C. Conclusions

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

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

15. 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.

16. Based on the Findings of Fact, we find that good cause exists and that the requirements of public safety are met by approving the Application consistent with the above discussion.

II. ORDER

A. The Commission Orders That:

1. The Application (Application) filed by the City of Fort Collins (Fort Collins) on November 14, 2023 requesting authority to construct a new pedestrian/bicycle grade separation for the Power Trail located south of Harmony Road and North of Trilby Street over the tracks of the Union Pacific Railroad Company (UPRR) at approximate railroad milepost 25.43 of the Fort

Collins/Subdivision, no current National Inventory Number, in Fort Collins, County of Larimer, in the State of Colorado, is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The intervention of UPRR is noted.
3. The Application is granted.
4. We will require Fort Collins to file a copy of the signed Construction and Maintenance Agreement by October 31, 2024, prior to starting the bridge construction work at the crossing.
5. We will require Fort Collins to inform the Commission in writing that the project is complete and open for operations within ten days of the opening of the bridge. We will initially require this letter by May 31, 2025. However, we understand that completion of the project may occur earlier or later than this date depending on the construction schedule.
6. We will require the UPRR to assign a new U.S. DOT Inventory Number to this crossing and provide a copy of the new inventory form in this proceeding by the end of construction on May 31, 2025.
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
December 27, 2023.**

(SEAL)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners