

Decision No. C23-0121

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 21A-0492R

IN THE MATTER OF THE APPLICATION OF TOWN OF WELLINGTON, COLORADO
FOR AUTHORITY TO COLORADO PUBLIC UTILITIES COMMISSION US DOT
CROSSING INVENTORY NO. 244954W IN WELLINGTON, LARIMER, STATE OF
COLORADO.

**COMMISSION DECISION
GRANTING APPLICATION**

Mailed Date: February 22, 2023

Adopted Date: February 22, 2023

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an application (Application) filed by the Town of Wellington (Wellington) on October 18, 2021, requesting preliminary approval to add active warning at the crossing consisting of flashing lights, gates, and bells, median improvements, replacement and extension of crossing panels, installation of sidewalk on the north side of the crossing, Type III barrier at the ends of the southeast sidewalk and pedestrian crossing, and installation of bicycle lane striping, railroad pavement markings, and advanced warning signs at the crossing of Larimer County Road (LCR) 60 with the tracks of the BNSF Railway Company (BNSF) at railroad milepost 83.77 of the Front Range Subdivision, National Inventory No. 244954W, in Wellington, County of Larimer, State of Colorado.

2. On November 17, 2022, Wellington filed copies of the final plans and the railroad cost estimate.

3. Now being fully advised in the matter, we give final approval to the Amended Application.

B. Findings of Fact

4. Wellington requests final approval to add active warning at the crossing consisting of flashing lights, gates, and bells, median improvements, replacement and extension of crossing panels, installation of sidewalk on the north side of the crossing, Type III barrier at the ends of the southeast sidewalk and pedestrian crossing, and installation of bicycle lane striping, railroad pavement markings, and advanced warning signs at the crossing of LCR 60 with the tracks of the BNSF. The purpose of this project is to be proactive about mitigating the growth that is occurring in the area. There is already an increase in traffic from the residential growth that has occurred in the area in the last four years. Wellington is increasing the level of safety and adding a sidewalk on the north side to allow pedestrians to not have to walk in the street to cross the tracks.

5. The final plans show where existing pavement is located, where additional pavement is proposed to be constructed, installation of the new active warning signals, replace and add panels, and add signing and striping consistent with the requirements of the Manual on Uniform Traffic Control Devices requirements.

6. Wellington estimates there are currently 1,800 vehicles per day (VPD) using LCR 60 at a posted speed limit of 16 Road at a posted speed limit of 35 miles per hour (MPH). A five-year projection is 3,000. There are currently approximately six through trains per day using the crossing at a maximum timetable speed of 49 MPH with no current estimates for future changes to train volumes at this time.

7. Wellington has budgeted \$500,000 for this project.

8. Wellington's original Application proposed to start this project by September 2022 and anticipate construction being complete by December 2022. These dates will be adjusted to account for the additional time for the railroad to prepare the cost estimate for this project.

C. Conclusions

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

10. Because the Amended 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 *Code of Colorado Regulations* 723-1.

11. Based on the Findings of Fact, we find that good cause exists, and that public safety will be improved by approving the Application as amended by Wellington on November 17, 2022.

II. ORDER

A. The Commission Orders That:

1. The application (Application) filed by the Town of Wellington (Wellington) on October 18, 2021, requesting preliminary approval to add active warning at the crossing consisting of flashing lights, gates, and bells, median improvements, replacement and extension of crossing panels, installation of sidewalk on the north side of the crossing, Type III barrier at the ends of the southeast sidewalk and pedestrian crossing, and installation of bicycle lane striping, railroad pavement markings, and advanced warning signs at the crossing of Larimer

County Road (LCR) 60 with the tracks of the BNSF Railway Company (BNSF) at railroad milepost 83.77 of the Front Range Subdivision, National Inventory No. 244954W, in Wellington, County of Larimer, State of Colorado is granted.

2. Wellington is expected to file a copy of the signed Construction and Maintenance Agreement by December 31, 2023, prior to starting construction at the crossing.

3. Wellington will be expected to notify the Commission within ten days of the final construction of the project by February 29, 2024.

4. BNSF is required to update the National Inventory Form and file a copy of the updated form in this proceeding by February 29, 2024.

5. 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.

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

7. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 22, 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