

Decision No. C23-0586

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0366R

IN THE MATTER OF THE APPLICATION OF THE TOWN OF ERIE, FOR AUTHORITY TO WIDEN THE ROADWAY AT AN EXISTING AT-GRADE PUBLIC ROADWAY CROSSING THAT IS PAVED THROUGH, AT THE COUNTY LINE ROAD CROSSING OF TRACKS OWNED BY THE REGIONAL TRANSPORTATION DISTRICT, DOT# 804523C, IN THE TOWN OF ERIE, WELD COUNTY AND BOULDER COUNTY, STATE OF COLORADO.

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

Mailed Date: September 8, 2023
Adopted Date: August 30, 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 Erie (Erie) on July 11, 2023, requesting authority to widen the existing roadway at the existing at-grade public crossing of County Line Road, which has been paved over, across the existing tracks of the Regional Transportation District at railroad milepost 24.42, National Inventory No. 804523C, located in Erie, Counties of Boulder and Weld, 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 July 17, 2023.

3. On July 26, 2023, RTD filed an Entry of Appearance and Notice of Intervention as of Right. RTD 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.

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. Erie proposes to widen the existing at-grade public roadway crossing of County Line Road to incorporate a raised median, defined non-motorized crossing and to widen the existing bike lane to a consistent width, to the north along the east side of the roadway. This project will widen the existing roadway adding pavement through the tracks similar to the existing paved over crossing. The existing roadway is a two-lane paved roadway with a paved bike lane on the east side that narrows to the north. The widening will allow for a center raised landscaped median and will provide a consistent width bike lane along the east side of County Line Road. The widened section will include a crosswalk location across County Line Road to connect an east-west trail across the roadway by providing a defined location for trail users to cross.

8. The minor arterial will remain classified as a minor arterial when construction is finished. Exhibit F to the Application shows the street section hybrid for County Line Road to be constructed to with this project.

9. Erie estimates that there are currently 6,700 vehicles per day (VPD) at a posted speed of 25 miles per hour (MPH), and projects that 7,800 VPD will be using the crossing in 5-years and 12,800 VPD in 20-years. This section of the RTD Boulder Branch is currently inactive, so there is no train traffic using the crossing location.

10. When the line was in service, there was one property damage only accident in 1993 and one injury accident in 1976.

11. Erie estimates the cost of the crossing work for the widened roadway at new roadway at \$3,747,866 with the State reimbursing up to 80% of the cost up to a maximum of \$2,950,000 and the remaining funds being paid by Erie.

12. Erie proposes to start the project in March 2024 and be completed by May 2025. Erie will be required to inform the Commission in writing that all work is complete and operational within ten days of completion. The Commission will expect this letter no later than May 31, 2025. 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.

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. We find that good cause exists to grant the Application consistent with the above discussion.

II. ORDER

A. The Commission Orders That:

1. The application (Application) filed by the Town of Erie (Erie) on July 11, 2023, requesting authority to widen the existing roadway at the existing at-grade public crossing of County Line Road, which has been paved over, across the existing tracks of the Regional Transportation District at railroad milepost 24.42, National Inventory No. 804523C, located in Erie, Counties of Boulder and Weld, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The intervention of RTD is noted.

3. The Application is granted.

4. Erie is authorized and ordered to proceed with construction to widen County Line Road at railroad milepost 24.42 of the RTD Boulder Branch tracks in Erie, Colorado.

5. Erie shall inform the Commission in writing when the construction is complete and operational within ten days of completion. The Commission will expect the letter by May 31, 2025. 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
August 30, 2023.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

TOM PLANT

Commissioners