

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0410R

IN THE MATTER OF IN THE MATTER OF THE APPLICATION OF UNION PACIFIC RAILROAD COMPANY FOR AUTHORITY TO UPGRADE CROSSING CIRCUITRY AT THE CROSSING OF UNION PACIFIC RAILROAD COMPANY'S TRACKS ON THE LIMON SUBDIVISION LOCATED AT M.P. 508.245, US DOT #805564K, LOCATED IN THE CITY OF WILD HORSE, COUNTY OF CHEYENNE, STATE OF COLORADO.

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

Mailed Date: October 11, 2023
Adopted Date: October 11, 2023

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an Application (Application) filed by the Union Pacific Railroad Company (UPRR) on August 10, 2023, requesting to upgrade the train detection circuitry from a motion sensor PMD3 to a constant warning time GCP 3000 detection at the crossing of State Highway 94 (SH 94) with the Limon Subdivision, railroad milepost 508.245, National Inventory No. 805564K near the Town of Wild Horse, County of Cheyenne, State of Colorado.

2. On August 18, 2023, Staff of the Commission sent a Deficiency Letter to UPRR outlining information that was missing or not responded to as part of the Application and informing UPRR that the Notice of Application Filed could not be sent until names and addresses of public utilities and governmental agencies involved in the crossing were provided.

3. On August 28, 2023, UPRR amended the Application to provide the missing information.

4. 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 August 30, 2023.

5. No interventions were filed in this matter.

6. The Commission has reviewed the record in this matter and deems that the Application is complete within the meaning of § 40-6-109.5, C.R.S.

7. Now being fully advised in the matter, we grant the Application as amended.

B. Findings of Fact

8. The Commission gave notice to all interested parties, including the adjacent property owners. No intervention was received opposing the Application.

9. UPRR requests authority to upgrade the train detection circuitry at the crossing of SH 94 from motion detection to constant warning time. The warning time at the crossing will be 28 seconds with the circuitry change.

10. As grounds, UPRR is modernizing detection circuitry and wants to upgrade this crossing from motion sensor to constant warning time detection. This change will modernize the crossing and maintain safety. No other aspects of the crossing are proposed to be modified with this Application.

11. UPRR states in its Application there is currently approximately one train per day using the subject crossing at a timetable speed of 49 miles per hour. UPRR states that based on the latest vehicle volume information in the National Inventory Form from 1996, there are 280

vehicles per day using the crossing at an unposted 55 miles per hour with approximately 32 percent heavy vehicles.

12. There has been one property damage only accident, in 2003, at the crossing since 1975.

13. UPRR does not provide a cost estimate for the proposed changes since UPRR will be fully responsible for the proposed changes, and no changes to the roadways and signal equipment at the crossings will be made, with the exception of the train detection circuitry. Given the limited nature of the changes proposed at the crossings, we will allow the omission of this information.

14. UPRR intends to start this project immediately upon approval by the Commission and be complete with the project 30 days after approval of the Application.

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 as amended 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 *Code of Colorado Regulations* 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 as amended consistent with the above discussion.

19. UPRR shall inform the Commission in writing when the project is complete and operational within ten days of completion. The Commission will expect this letter on or before November 30, 2023.¹

20. UPRR shall provide an updated crossing inventory for the changed crossing conditions and shall file a copy of the updated crossing inventory form with the Commission concurrent with notice to the Commission of completion of the crossing work initially expected by November 30, 2023.

II. ORDER

A. The Commission Orders That:

1. The Application (Application) filed by the Union Pacific Railroad Company (UPRR) on August 10, 2023, requesting to upgrade the train detection circuitry from a motion sensor PMD3 to a constant warning time GCP 3000 detection at the crossing of State Highway 94 (SH 94) with on the Limon Subdivision, railroad milepost 508.245, National Inventory No. 805564K, near the town of Wild Horse, County of Cheyenne, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The Application is granted.

3. UPRR is authorized and ordered to upgrade the train detection circuitry at the crossing at SH 94 near the town of Wild Horse, Colorado.

4. UPRR shall inform the Commission in writing when the detection circuitry changes are complete within ten days of completion. The Commission will expect the letter by

¹ The Commission understands there may be changes or delays in the construction schedule. While a request for extension is not required in the event completion of the construction project goes past November 30, 2023, UPRR should inform the Commission through an appropriate filing if delays are anticipated or significant.

November 30, 2023. However, the Commission understands this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

5. UPRR shall update the National Inventory Form for this crossing and file a copy of the updated crossing inventory forms in this proceeding by November 30, 2023.

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
October 11, 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

