

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 03A-005R

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IN THE MATTER OF THE APPLICATION OF THE TOWN OF WINDSOR, COLORADO, A COLORADO STATUTORY TOWN, FOR AN ORDER AUTHORIZING THE CONSTRUCTION OF A BICYCLE-PEDESTRIAN CROSSING OVER THE GREAT WESTERN RAILWAY TRACK AT THE INTERSECTION OF COLORADO STATE HIGHWAY 257 AND EASTMAN PARK DRIVE IN THE TOWN OF WINDSOR, COUNTY OF WELD, STATE OF COLORADO.

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**COMMISSION ORDER GRANTING APPLICATION**

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Mailed Date: May 5, 2003  
Adopted Date: May 2, 2003

**I. BY THE COMMISSION:**

**A. Statement**

1. On December 24, 2002, the Town of Windsor, Colorado filed this application for authority to construct a pedestrian-bicycle trail across the tracks and right-of-way of the Great Western Railway Company (GtWRy), at Colorado State Highway 257 (SH 257) and the intersection of the Eastman Park Drive in the Town of Windsor.

2. The Commission gave notice of the application, together with a copy of the application, to all interested parties including the adjacent property owners, in accordance with § 40-6-108(2), C.R.S. The Notice was mailed January 9, 2003.

3. On January 9, 2003, the Staff of the Commission filed its Entry of Appearance and Notice of Intervention.

4. On January 17, 2003, the Colorado department of Transportation (CDOT) filed its Entry of Appearance and Notice of Intervention.

5. The Town of Windsor waived the time limits set forth in Section 40-6-109.5(2) and (3), C.R.S.

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

7. The Commission will determine this matter upon the record, without a formal hearing, under § 40-6-109(5), C.R.S., and Rule 24, Commission Rules of Practice and Procedure, 4 *Code of Colorado Regulations* ("CCR") 723-1, because the application is noncontested and unopposed.

**B. Findings of Fact**

8. The Town of Windsor is constructing a Windsor Trail System through the Town of Windsor. This project consists of the construction of an at-grade crossing across the track of the GtWRy for the Windsor Trail System. The proposed crossing will be located at the intersection of SH 257 and Eastman Park Drive.

9. The purpose of this application is to secure Commission approval to construct the pedestrian-bicycle trail across single track of GtWRy as shown on Exhibit A of this application. Appropriate warning signs and pavement markings will be installed and maintained by The Town of Windsor in accordance with the Manual on Uniform Traffic Control Devices.

10. The Commission has given notice of the proposed grade crossing to all interested parties, including the adjacent property owners. No intervenor who filed a petition to intervene or other pleading contested or opposed the application.

11. Funding for the entire project including the grade crossing surfaces, approach work, drainage and related work will be paid for by the Town of Windsor.

12. Maintenance of the pedestrian-bicycle crossings including the crossing surfaces, approaches, pavement markings, and warning signs will be the responsibility of the Town of Windsor.

13. All exhibits, specifications, and plans are complete, accurate, and meet Commission requirements.

14. The public safety, convenience, and necessity require, and will be served by, the granting of this application.

**C. Conclusions On Findings Of Fact**

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

16. No intervenor who filed a petition to intervene or other pleading contested or opposed the application. The application is noncontested and unopposed.

17. The Commission will determine this matter on the record, without a formal hearing, under § 40-6-109(5), C.R.S., and Rule 24, Commission Rule of Practice and Procedure, 4 CCR 723-1.

18. The public safety, convenience, and necessity require, and will be served by, the granting of this application.

**II. ORDER:**

**A. The Commission Orders That:**

1. The Town of Windsor is authorized to construct a pedestrian-bicycle trail across the tracks and right-of-way of the Great Western Railway Company, at Colorado State Highway 257 and the intersection of the Eastman Park Drive in The Town of Windsor.

2. The construction authorized in Ordering Paragraph 1 above shall be in accordance with the plans, specifications, and exhibits submitted with the application, which are hereby approved.

3. The construction, operation, and maintenance of the pedestrian-bicycle trail crossing shall be the responsibility of The Town of Windsor.

4. The Commission retains jurisdiction to enter further required orders.

5. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
MAY 2, 2003**

(S E A L)



ATTEST: A TRUE COPY

**Bruce N. Smith**  
**Director**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

**GREGORY E. SOPKIN**

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**POLLY PAGE**

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**JIM DYER**

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Commissioners