

Decision No. C04-1141

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 01A-303R

IN THE MATTER OF THE APPLICATION OF THE CITY OF FORT COLLINS, COLORADO
FOR THE AUTHORITY TO IMPROVE THE AT-GRADE CROSSING AT THE GREAT
WESTERN RAILROAD COMPANY'S CROSSING ON COLORADO SH 14 (MULBERRY
STREET) IN THE CITY OF FORT COLLINS, LARIMER COUNTY, COLORADO.

COMMISSION ORDER GRANTING APPLICATION

Mailed Date: October 1, 2004
Adopted Date: September 29, 2004

I. BY THE COMMISSION:

A. Statement

1. On June 28, 2001, the City of Fort Collins, Colorado (Fort Collins), filed an application requesting authority to improve a portion of State Highway 14 (Mulberry Street) at the crossing of The Great Western Railway of Colorado, LLC (GWRR) at railroad milepost 75.57, National Inventory I.D. 244-861C, located in Fort Collins, Larimer County, Colorado.

2. The Commission gave notice of this 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. This Notice was mailed July 20, 2001.

3. On July 20, 2001, the Commission Staff filed an Entry of Appearance and Notice of Intervention.

4. On July 31, 2001, the Union Pacific Railroad Company (UPRR) filed its Entry of Appearance and Notice of Intervention.

5. On August 27, 2004 the Commission received a copy of the fully executed Agreement by and between Fort Collins and GWRR, dated November 7, 2001, pertaining to the construction, maintenance, and funding for this project.

6. No intervention was received in opposition to this application. This application is un-contested and unopposed.

7. 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.

B. Findings of Fact

8. The purpose of this application is to secure Commission approval to add 12 feet of concrete road crossing material to the south side of the crossing to add a pedestrian/bike sidewalk at Mulberry Street.

9. The average daily vehicular traffic count at the existing crossing is approximately 22,000 vehicles per day with a speed of 35 mph. The estimated 20-year projection is 30,000 vehicles per day.

10. There are presently two UPRR trains per day with a maximum timetable speed of 20 mph., and two to three GWRR trains per day.

11. The work to be done and the expenses therefor will be paid in accordance with the Agreement by and between Fort Collins, and GWRR dated November 7, 2001. The total estimated cost of the work is \$10,840.

12. Maintenance of the roadway approaches to the crossing will be by the Colorado Department of Transportation. Maintenance of the crossing surface, roadbed, tracks, and warning devices will continue to be the responsibility of GWRR.

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

C. Conclusions

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

15. The Commission will determine this matter on the record, without a formal hearing, because the application is uncontested, under § 40-6-109(5), C.R.S. (7093), and Rule 24, of the Commission's Rules of Practice and Procedure, 4 CCR 723-1.

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

II. ORDER:

A. The Commission Orders That:

1. The City of Fort Collins, Colorado is authorized to widen a portion of track surface for a pedestrian walkway at the crossing of State Highway 14 (Mulberry Street) and The Great Western Railway of Colorado, LLC at railroad milepost 75.57, National Inventory I.D. 244-861C, located in Fort Collins, Larimer County, Colorado.

2. The total actual cost of labor and material required for the project shall be paid in accordance with the Agreement by and between the City of Fort Collins, Colorado, and The Great Western Railway of Colorado, LLC dated November 7, 2001.

3. The Great Western Railway of Colorado, LLC shall continue to maintain the crossing surface, roadbed, tracks, and grade crossing warning devices. The Colorado Department of Transportation shall continue to maintain the roadway and sidewalk approaches.

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

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 Order.

6. This Order is effective on its Mailed Date.

**B. ADOPTED IN THE COMMISSIONER'S WEEKLY MEETING
September 29, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

CHAIRMAN GREGORY E. SOPKIN
ABSENT.