

Decision No. C04-1143

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 01A-130R

IN THE MATTER OF THE APPLICATION OF THE CITY OF FORT COLLINS, COLORADO,
FOR THE AUTHORITY TO IMPROVE THE AT-GRADE CROSSING AT THE UNION
PACIFIC RAILROAD COMPANY'S CROSSING ON COLORADO HARMONY ROAD
(HARMONY ROAD) 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 March 22, 2001, the City of Fort Collins, Colorado (Fort Collins), filed an application requesting authority to improve a portion of State Highway 68 (Harmony Road) at the crossing of The Union Pacific Railroad Company (UPRR) at railroad milepost 26.58, National Inventory I.D. 804-503R, 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 March 27, 2001.

3. On March 27, 2001, the Commission Staff filed an Entry of Appearance and Notice of Intervention.

4. On April 4, 2001, CDOT filed an Entry of Appearance and Notice of Intervention.

5. On April 6, 2001, UPRR filed its Entry of Appearance and Notice of Intervention.

6. On August 27, 2004 the Commission received a copy of the fully executed Agreement by and between Fort Collins and UPRR, dated July 10, 2000, pertaining to the construction, maintenance, and funding for this project.

7. No intervention was received in opposition to this application.

8. 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

9. The purpose of this application is to secure Commission approval to widen the eastbound side of Harmony Road and construct a pedestrian crossing.

10. The project will increase the roadway from 25.5 feet to 38 feet and provide for two 12-foot travel lanes, a 12-foot right-turn lane, and 8-foot Bike Lane and a 2-foot shoulder. The crossing material will be extended south to include a new 8-foot wide pedestrian crossing. The signal and gates on the south side of the roadway will be relocated to protect the new width of the roadway.

11. The average daily vehicular traffic count at the existing crossing is approximately 15,000 vehicles per day with a speed of 50 mph. The estimated 20-year projection is 25,000 vehicles per day.

12. There are presently two trains per day with a maximum timetable speed of 40 mph.

13. The work to be done and the expenses therefor will be paid in accordance with the Agreement by and between Fort Collins, and UPRR dated July 10, 2000. The total estimated cost of the railroad portion of the work is \$71,940.

14. Maintenance of the roadway approaches to the crossing, advance warning signs, and pavement markings will be the responsibility of the Colorado Department of Transportation. Maintenance of the crossing surface, roadbed, tracks, and warning devices will continue to be the responsibility of UPRR.

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

C. Conclusions

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

17. No intervention was received in opposition to this application. The application is uncontested and unopposed.

18. The Commission will determine this matter on the record, without a formal hearing, 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.

19. 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 State Highway 68 (Harmony Road) at the crossing of The Union Pacific Railroad Company (UPRR) at railroad milepost 26.58, National Inventory I.D. 804-503R, 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 Union Pacific Railroad Company dated July 10, 2000.

3. The Union Pacific Railroad Company 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 approaches, advance warning signs and pavement markings.

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.