

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0474R

IN THE MATTER OF THE APPLICATION OF ROYAL GORGE ROUTE RAILROAD FOR
AUTHORITY TO REGISTER TWO CURRENTLY EXISTING PUBLIC ROAD CROSSINGS
AT SOUTH 11TH STREET IN THE CITY OF CANON CITY, FREMONT COUNTY, STATE
OF COLORADO.

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

Mailed Date: October 10, 2019
Adopted Date: October 9, 2019

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an application (Application) filed by the Canon City & Royal Gorge Railroad (CCRGR) on August 30, 2019, requesting authority to register two currently existing public road crossings and install passive warning devices at the crossing of tracks of the CCRGR with 11th Street, National Inventory No. 253185H, in the City of Cañon City, County of Fremont, 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 on August 30, 2019.

3. There were no interventions filed in this matter.

4. 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.

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

6. Now being fully advised in the matter, we grant the Application.

B. Findings of Fact

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

8. CCRGR seeks authority to register two currently existing public road crossings of tracks of the CCRGR with 11th Street.

9. As grounds, CCRGR is applying to make the crossing an official crossing and post passive warning devices that currently do not exist.

10. CCRGR states there are currently approximately one train movement per week at a maximum speed of two miles per hour. The traffic volume at the crossing is approximately 432 vehicles per day with no estimates for increases in the future with vehicles traveling at a posted speed of 30 miles per hour. CCRGR proposes to install crossbuck signs with number of tracks signs indicating two tracks and yield signs at the crossing with advance warning signs posted in advance of the crossing. CCRGR estimates the cost of the work at \$2,500 with the cost being paid for by CCRGR.

11. CCRGR proposes starting the project in June 2019 and being complete within 45 days of starting. We will require CCRGR to inform us in writing that construction is complete within ten days of project completion. We shall expect this letter by December 15, 2019. However, we understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

C. Conclusions

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

13. No intervenor that filed a petition to intervene or other pleading contests or opposes the Application.

14. 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, 4 *Code of Colorado Regulations* 723-1 of the Rules of Practice and Procedure.

15. We find that good cause exists and that the requirements of public safety are met by granting the Application consistent with the above discussion

II. ORDER**A. The Commission Orders That:**

1. The application (Application) filed by the Canon City & Royal Gorge Railroad (CCRGR) on August 30, 2019, requesting authority to register two currently existing public road crossings and install passive warning devices at the crossing of tracks of the CCRGR with 11th Street, National Inventory No. 253185H, in the City of Cañon City, County of Fremont, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The Application is granted.

3. CCRGR is authorized and ordered to upgrade the crossing at 11th Street in Cañon City, Colorado.

4. CCRGR shall inform the Commission in writing when the crossing changes are complete within ten days of completion. The Commission will expect the letter by December 15,

2019. 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. 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.

6. The Commission retains jurisdiction to enter further decisions as necessary.

7. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 9, 2019.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

JOHN GAVAN

Commissioners

COMMISSIONER FRANCES A. KONCILJA
ABSENT.