

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0263R

IN THE MATTER OF THE APPLICATION OF CITY OF THORNTON FOR AUTHORITY TO WIDEN 144TH AVENUE CROSSING FOR ROADWAY AND PEDESTRIAN IMPROVEMENTS; REMOVAL OF ACTIVE CROSSING WARNING DEVICES; INSTALLATION OF PASSIVE WARNING DEVICES AT REGIONAL TRANSIT DISTRICT (US DOT 804303G) IN CITY OF THORNTON, ADAMS COUNTY, STATE OF COLORADO.

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

Mailed Date: August 3, 2020
Adopted Date: July 29, 2020

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an application (Application) filed by the City of Thornton (Thornton) on June 18, 2020, seeking approval to widen the crossing, addition of pedestrian improvements, to remove the existing active warning devices, install passive warning devices, and retain the crossing “Exempt” status at the existing crossing of 144th Avenue with the tracks of the Regional Transportation District North Metro Commuter Rail Line (RTDC) at railroad milepost 11.40 on the RTDC Boulder Branch, National Inventory No. 804303G, in Thornton, County of Adams, 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 June 19, 2020.

3. On July 17, 2020, RTDC filed an Entry of Appearance and Notice of Intervention as of Right. RTDC does not contest or oppose the Application.

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

B. Findings of Fact

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

7. Thornton proposes to widen 144th Avenue at the crossing to provide two through lanes in each direction, a center painted median, and detached sidewalks on the south side of the crossing. The crossing is currently not being used by RTDC for rail operations and was approved by the Commission as an “Exempt” crossing in Proceeding No. 16A-0901R by Decision No. C17-0046 mailed January 19, 2017. Because the crossing is currently not in use and is “Exempt”, Thornton requests to remove the active warning at the crossing consisting of flashing lights, gates, and bells and install passive warning consisting of crossbucks and a supplemental Exempt sign with advance warning signs and markings being maintained. The improvements are needed because of the growing volumes along 144th Avenue and a wider roadway cross-section is needed to accommodate those traffic volume increases. Additionally, these conditions will be exacerbated once the RTDC North Metro Rail line runs through this crossing. The proposed crossing improvements will address this need as well as the projected operational and level of service deficiencies.

8. Thornton’s proposed crossing proposed signage is not in compliance with the minimum crossing safety requirements found in Rule 7213(a), 4 *Code of Colorado Regulations*

(CCR) 723-7 of the Commission's Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings, which requires that all public crossings in Colorado have posted crossbucks, yield signs, and number of tracks signs at crossings with more than one track.

9. Thornton states in the Application that as of 2013 there were 11,802 vehicles per day using the crossing at a speed limit of 45 miles per hour with projected growth to 11,800 vehicles in 5 years and 18,900 vehicles per day in 20 years. Thornton also states there are currently zero trains per day that use the crossing. Future operations are planned, but implementation is currently unknown.

10. No accidents have occurred at this crossing since 1975.

11. Thornton estimates the cost of the project at \$4,823,000 with the project fully funded by Thornton through the capital improvement program budget.

12. Thornton proposes to start the project on October 1, 2020 with completion by September 30, 2021.

C. Conclusions

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

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

15. 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 CCR 723-1 of the Commission's Rules of Practice and Procedure.

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

17. We will require the signage at the crossing to include both crossbucks and yield signs in compliance with Rule 7213(a), 4 CCR 723-7 of the Commission's Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings in addition to reposting the "Exempt" signs previously approved by the Commission.

18. Thornton 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 September 30, 2021.¹

19. Thornton and RTDC shall work together to 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 September 30, 2021.

II. ORDER

A. The Commission Orders That:

1. The application (Application) filed by the City of Thornton (Thornton) on June 18, 2020, seeking approval to widen the crossing, addition of pedestrian improvements, to remove the existing active warning devices, install passive warning devices, and retain the crossing "Exempt" status at the existing crossing of 144th Avenue with the tracks of the Regional Transportation District North Metro Commuter Rail Line (RTDC) at railroad mile post 11.40 on

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 September 30, 2021, Thornton should inform the Commission through an appropriate filing if delays are anticipated or significant.

the RTDC Boulder Branch, National Inventory No. 804303G, in Thornton, County of Adams, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The intervention of RTDC is noted.

3. The Application is granted as modified in the discussion above to comply with Rule 7213(a), 4 *Code of Colorado Regulations* 723-7 of the Commission's Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings.

4. Thornton is authorized and ordered to proceed with widening the roadway, making pedestrian improvements on the south side of the crossing, removal of the active warning devices, installation of passive warning devices consisting of crossbucks and yield signs, and retaining the crossing "Exempt" status at the existing crossing of 144th Avenue in Thornton, Colorado.

5. Thornton shall inform the Commission in writing when the widening work is complete and operational within ten days of completion. The Commission will expect this letter by September 30, 2021.

6. Thornton will work with RTDC to update the National Inventory Form for the crossing and have that updated form filed in this proceeding by September 30, 2021.

7. 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.

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

9. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
July 29, 2020.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

JOHN GAVAN

MEGAN M. GILMAN

Commissioners