

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 21A-0034R

IN THE MATTER OF THE APPLICATION OF THE CITY OF GREELEY TO DESIGNATE EXEMPT STATUS AT THE GREAT WESTERN CROSSINGS AT 5TH STREET (#245134C), 8TH STREET (#245137X), AND 10TH STREET (#245139L) ALONG THE GREELEY LINE IN THE CITY OF GREELEY, WELD COUNTY, STATE OF COLORADO.

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

Mailed Date: March 8, 2021

Adopted Date: March 3, 2021

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an application (Application) filed by the City of Greeley (Greeley) on January 8, 2021, requesting authority to post “Exempt” signs at the crossings of 5th Street, 8th Street, and 10th Street with the Greeley Line of the Great Western Railroad (GWR), National Inventory Nos. 245134C, 245137X, and 245139L in Greeley, County of Weld, State of Colorado.

2. Notice of the Application was provided by the Commission to all interested parties, including adjacent property owners pursuant to § 40-6-108(2), C.R.S., on January 25, 2021.

3. No interventions were filed in this matter.

4. The Commission reviewed the record in this matter and deems the Application 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. Greeley requests authority to post “Exempt” signs at the 5th Street, 8th Street and 10th Street crossings with the GWR. These three crossings are along a part of the GWR Greeley Line that is no longer used. With the current passive warning signs at these three crossings, school buses and hazardous materials vehicles must stop at crossings and look for trains before proceeding across the crossing. By posting an “Exempt” sign (R15-3P) at the three crossings, school buses and hazardous materials vehicles will no longer have to stop at the crossings prior to crossings. If any trains were to use this track, they would be required to yield the right-of-way to vehicle drivers.

8. Greeley will bear all costs associated with the posting of the “Exempt” signs estimated at a cost of \$50.

9. Greeley proposes to start the posting of the signs at the subject crossings within two weeks following Commission approval of the “Exempt” status of the crossings and be complete within three weeks of the start of the posting of the signs. Greeley will be required to inform the Commission in writing that all work is complete within ten days of completion. The Commission will expect this letter no later than April 30, 2021.

10. The National Inventory Forms will need to be updated to show the crossings as Exempt. Greeley will be required to file the updated forms in this proceeding by April 30, 2021.

C. Conclusions

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

12. No intervenor that filed a petition to intervene or other pleading contests or opposes the abolishment of the subject crossings.

13. Because the Application is unopposed, the Commission will determine this matter upon the record, without a formal hearing under § 40-6-109(5), C.R.S., and Rule 1403, Commission Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1.

14. Based on the Findings of Fact, the Application is granted consistent with the discussion above.

II. ORDER

A. The Commission Orders That:

1. The application (Application) filed by the City of Greeley (Greeley) on January 8, 2021, requesting authority to post “Exempt” signs at the crossings of 5th Street, 8th Street, and 10th Street with the Greeley Line of the Great Western Railroad (GWR), National Inventory Nos. 245134C, 245137X, and 245139L in Greeley, County of Weld, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The Application is granted.

3. Greeley is authorized and ordered to proceed with posting “Exempt” signs at the crossings of 5th Street, 8th Street, and 10th Street.

4. Greeley is required to inform the Commission in writing that the “Exempt” signage has been posted at the subject crossings within ten days after completion. We shall expect this letter by April 30, 2021.

5. The National Inventory Forms for the subject crossing need to be updated to show the crossings as Exempt and Greeley is required to file the updated National Inventory Forms in this proceeding by April 30, 2021.

6. 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.

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

8. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 3, 2021.**

(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

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JOHN GAVAN

MEGAN GILMAN

Commissioners