

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 21A-0075R

IN THE MATTER OF THE APPLICATION OF UNION PACIFIC RAILROAD COMPANY
FOR AUTHORITY TO UPGRADE CROSSING CIRCUITRY AT THE CROSSING OF UNION
PACIFIC RAILROAD COMPANY'S TRACKS ON THE ROCKY FLATS IND LD
SUBDIVISION LOCATED AT M P 596 US DOT NO. 254356K LOCATED IN THE CITY OF
ARVADA COUNTY OF ADAMS STATE OF COLORADO.

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

Mailed Date: March 31, 2021

Adopted Date: March 31, 2021

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an application (Application) filed by the Union Pacific Railroad Company (UPRR) on February 10, 2021, requesting to upgrade the train detection circuitry from a motion sensor GCP 2000 to a constant warning time GCP 3000 detection at the crossing of State Highway 93 (SH 93) with the Rocky Flats Industrial Lead Subdivision, railroad milepost 0.596, National Inventory No. 254356K in the City of Arvada, 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 February 17, 2021.

3. On February 19, 2021, counsel for UPRR filed an Entry of Appearance on behalf of UPRR.

4. No interventions were filed in this matter.

5. 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.

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. UPRR requests authority to upgrade the train detection circuitry at the crossing of SH 93 from motion detection to constant warning time. The warning time at the crossing will be 30 seconds with the circuitry change.

9. As grounds, UPRR is modernizing detection circuitry and wants to upgrade this crossing from motion sensor to constant warning time detection. This change will modernize the crossing and maintain safety. No other aspects of the crossing are proposed to be modified with this Application.

10. UPRR states in its Application there are currently approximately zero trains per day using the subject crossing at a timetable speed of ten miles per hour on the mainline. UPRR states that based on the latest vehicle volume information in the National Inventory Form from 1996, there are 15,200 vehicles per day using the crossing at 55 miles per hour with approximately 4 percent heavy vehicles.

11. There have been zero accidents that have occurred at the crossing since 1975.

12. UPRR does not provide a cost estimate for the proposed changes since UPRR will be fully responsible for the proposed changes, and no changes to the roadways and signal equipment at the crossings will be made with the exception of the train detection circuitry.

Given the limited nature of the changes proposed at the crossings, we will allow the omission of this information.

13. UPRR intends to start this project immediately upon approval by the Commission with completion of the project 30 days after approval of the Application.

C. Conclusions

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

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

16. 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.

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

18. UPRR 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 April 15, 2021.¹

19. UPRR shall provide an updated crossing inventory for the changed crossing conditions and shall file a copy of the updated crossing inventory form with the Commission

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 April 15, 2021, UPRR should inform the Commission through an appropriate filing if delays are anticipated or significant.

concurrent with notice to the Commission of completion of the crossing work initially expected by April 15, 2021.

II. ORDER

A. The Commission Orders That:

1. The application (Application) filed by the Union Pacific Railroad Company (UPRR) on February 10, 2021, requesting to upgrade the train detection circuitry from a motion sensor GCP 2000 to a constant warning time GCP 3000 detection at the crossing of State Highway 93 (SH 93) with the Rocky Flats Industrial Lead Subdivision, railroad milepost 0.596, National Inventory No. 254356K in the City of Arvada, County of Adams, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The Application is granted.

3. UPRR is authorized and ordered to upgrade the train detection circuitry at the crossing at SH 93 in Arvada, Colorado.

4. UPRR shall inform the Commission in writing when the detection circuitry changes are complete within ten days of completion. The Commission will expect the letter by April 15, 2021. 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. UPRR shall update the National Inventory Form for this crossing and file a copy of the updated crossing inventory forms in this proceeding by April 15, 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 31, 2021.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

JOHN GAVAN

MEGAN M. GILMAN

Commissioners