

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 21A-0123R

IN THE MATTER OF THE APPLICATION OF THE CITY OF GREELEY FOR
AUTHORITY TO PERMANENTLY CLOSE THE CROSSING AT THE HIGHWAY-RAIL
GRADE CROSSING ON THE GREAT WESTERN RAILWAY AT FIFTH STREET
(DOT NO. 245134C) IN THE CITY OF GREELEY, WELD COUNTY, COLORADO.

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

Mailed Date: May 14, 2021
Adopted Date: May 12, 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 March 17, 2021, requesting authority to abolish the at-grade crossing of the Great Western Railway (GWR) at the crossing with 5th Street by removal of the tracks and signs, National Inventory No. 245134C, 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 April 1, 2021.

3. On May 7, 2021, Greeley provided photos of the posting of the notices at the crossing.

4. On April 28, 2021, the Commission received a public comment in this matter. The Commenter was upset that the 5th Street crossing is proposed to be closed because the Commenter believed that the roadway was proposed to be closed. Because the roadway in this

matter is not proposed to be closed and it is the rail that is being removed, we believe that the Commenter would not have an issue with this type of crossing closure.

5. No interventions were filed in this matter.

6. The Commission reviewed the record in this matter and deems the Application complete within the meaning of § 40-6-109.5, C.R.S.

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

B. Findings of Fact

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

9. Greeley requests authority to abolish the crossing of 5th Street with the tracks of GWR in Greeley, Colorado. Closure will involve removal of track, and railroad crossing related signage. The subject crossing is no longer being used by GWR and will no longer be in use by GWR with the proposed changes being made. Currently, the crossing has “Exempt” signs posted so school buses and hazardous materials vehicles will not have to stop at the crossing and look both ways before crossing. By removal of the track, the need for school buses and hazardous materials vehicles to stop will no longer be required, helping to eliminate the possibility of rear-end collisions.

10. Greeley will bear all costs associated with the removal of the crossing.

11. Greeley proposes to start the track removal in June 2021 and anticipates being complete with the work by July 2021. 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 July 31, 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.

12. The National Inventory Forms will need to be updated to show the crossings as closed. The updated form for this crossing in this proceeding will need to be filed in this proceeding by Greeley by July 31, 2021.

13. With the removal of the tracks and signage through the subject crossings, any potential highway-rail grade crossing safety issues at the crossing will be eliminated thereby preventing accidents and promoting public safety. Because the roadway will remain, no motor vehicle drivers will be inconvenienced by closure of the roadway.

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 abolishment of the subject crossings.

16. 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.

17. 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 March 17, 2021, requesting authority to abolish the at-grade crossing of the Great Western Railway at the

crossing with 5th Street by removal of the tracks and signs, National Inventory No. 245134C, 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 the closure of 5th Street crossings by removal of rail and all related railroad crossing signage.

4. Greeley is required to inform the Commission in writing that the crossing abolishment is complete within ten days after completion. We shall expect this letter by July 31, 2021. However, we understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

5. The National Inventory Form for the subject crossing needs to be updated to show the crossings as closed and Greeley is required to file the updated National Inventory Form in this proceeding by July 31, 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
May 12, 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 M. GILMAN

Commissioners