

Decision No. C22-0578

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22A-0350R

IN THE MATTER OF THE APPLICATION OF GREAT WESTERN RAILWAY FOR
AUTHORITY TO REVISE TRACK CIRCUITRY AT 1ST STREET (U.S. DOT # 244897K) IN
WINDSOR, WELD COUNTY, STATE OF COLORADO.

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

Mailed Date: September 28, 2022

Adopted Date: September 28, 2022

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an application (Application) filed by the Great Western Railway (GWRR) on August 8, 2022, requesting authority to revise the track circuitry at 1st Street in the Town of Windsor (Windsor) at upgrade the train detection circuitry from earlier generation constant warning time to later generation constant warning time detection at the crossing of the GWRR Greeley Subdivision, railroad milepost 86.94, National Inventory No. 244897K in Windsor, County of Weld, 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 August 15, 2022.

3. No interventions were 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. 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. GWRR seeks authority to upgrade the train detection circuitry at the 1st Street crossing in Windsor, Colorado.

8. As grounds, GWRR states that the Federal Railroad Administration has taken exception to the existing circuitry design. GWRR proposes two new DC island circuits overlaid by new constant warning circuits. The constant warning circuits will allow for adjacent crossing control to the east. In addition to the new circuits, new constant warning circuits will be required for DAX control of the overlapping circuits. No additional changes are proposed at the subject crossing other than the detection circuitry change.

9. GWRR states there are currently two thru train movements per day using the crossing at a timetable speed of ten miles per hour (MPH). GWRR the existing traffic volumes using the crossing are 18,000 vehicles per day (VPD) at a posted speed limit of 30 MPH with 3.3 percent heavy vehicles with five-year volumes projected at 21,240 VPD and 20-year projected volumes at 27,800 VPD.

10. GWRR estimates the cost of the project at \$72,000 with the railroad providing for the full cost of the project. GWRR omits much of the information required by Rule 7204, Commission Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings, 4 *Code of Colorado Regulations* (CCR) 723-7 including plan and profile drawings, 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.

11. GWRR proposes starting the project by October 8, 2022 and completing by November 8, 2022. We will require GWRR to inform us in writing that construction is complete within ten days of project completion. We shall expect this letter by November 30, 2022. However, we understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule. We will also require GWRR to update the National Inventory Form for this crossing and file a copy of the updated crossing inventory forms in this proceeding by November 30, 2022.

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 CCR 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 Great Western Railway (GWRR) on August 8, 2022, requesting authority to revise the track circuitry at 1st Street in the Town of Windsor (Windsor) at upgrade the train detection circuitry from earlier generation constant warning time to later generation constant warning time detection at the crossing of the GWRR Greeley Subdivision, railroad milepost 86.94, National Inventory No. 244897K in Windsor, 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. GWRR is authorized and ordered to upgrade the detection circuitry at the crossing of 1st Street in Windsor, Colorado as discussed above.

4. GWRR 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 November 30, 2022. 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. GWRR is required to update the National Inventory Form for this crossing and file a copy of the updated crossing inventory forms in this proceeding by November 30, 2022.

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
September 28, 2022.**

(S E A L)



ATTEST: A TRUE COPY



Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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JOHN GAVAN

MEGAN M. GILMAN

Commissioners