

Decision No. C25-0441

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25A-0169R

IN THE MATTER OF THE APPLICATION OF CITY OF CANON CITY FOR AUTHORITY TO CROSS ROCK N RAIL RR TRACKS WITH STREET CORRIDOR AND WATER MAIN IMPROVEMENTS (GRIFFIN AVENUE) IN THE CANON CITY, FREMONT COUNTY, STATE OF COLORADO.

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

Issued Date: June 6, 2025

Adopted Date: June 4, 2025

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an Application (“Application”) filed by the City of Canon City (“Canon City”) on April 15, 2025, for an order authorizing street reconstruction, the installation of a new water main, and modification of concrete panels at the crossing of Griffin Avenue across the tracks owned by Rock And Rail LLC (“Rock And Rail”) that are currently out of service at railroad milepost 0.34 of the Canon City subdivision, National Inventory No. 003665F, in Canon City, Fremont County, 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 23, 2025.

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 contesting or opposing the Application.

7. Canon City requests authority for street reconstruction, the installation of a new water main and modification of concrete panels at the crossing of Griffin Avenue across the tracks owned by Rock And Rail that are currently out of service, in Canon City, Colorado. The change is necessary due to roadway reconstruction of Griffin Avenue between 4th Street and 9th Street requiring the modification of existing concrete crossing panels at the crossing and the installation of a new water main beneath the crossing. The existing concrete panels at the crossing are 32.5 feet in length and will be extended 16 feet on the north side of Griffin Avenue and 8 feet on the south side. The reconstructed road at the crossing is proposed to consist of two 20 feet wide lanes, with a 2.5 feet wide curb and gutter and a 5 feet wide sidewalk on each side of the road.

8. Canon City states that most recent traffic volume at the subject crossing as of 2024 is 1,360 vehicles per day (“VPD”). None of this traffic volume is estimated to be heavy vehicles. School buses do not use the crossing. The posted speed limit at the crossing is 30 miles per hour (“MPH”). The five-year traffic volume projections at the crossing are 1,364 VPD and 20-year traffic volume projections are 1,374 VPD. There are currently no trains per day that use the crossing with no projections for future use at this time.

9. There has been one property only accident at the crossing since 1975 in 1980.

10. Canon City estimates the cost of the project at \$147,248.92. Canon City will cover 100 per cent of the costs of the project.

11. Canon City proposes to start the project on July 15, 2025, and anticipates being complete with the work by November 30, 2026. Canon City will be required to provide a copy of the signed Construction and Maintenance Agreement with Rock And Rail for this project by July 15, 2025, prior to starting construction on this project.

12. Canon City 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 November 30, 2026. However, the Commission understands this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

13. Rock And Rail will be required to update the US DOT Crossing Inventory Form for the crossing. This form will need to be filed in this proceeding by Rock And Rail by November 30, 2026.

C. Conclusions

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

15. 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.

16. 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 Canon City (“Canon City”) on April 15, 2025, for an order authorizing street reconstruction, the installation of a new water main

and modification of concrete panels at the crossing of Griffin Avenue across the tracks owned by Rock And Rail LLC (“Rock And Rail”) that are currently out of service, at railroad milepost 0.34 of the Canon City subdivision, National Inventory No. 003665F, in Canon City, Fremont County, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S., and is granted.

2. Canon City is authorized and ordered to proceed with the street reconstruction, the installation of a new water main and modification of concrete panels at the crossing.

3. Canon City shall file a copy of the signed Construction and Maintenance Agreement with Rock And Rail for this project by July 15, 2025, prior to starting work at the crossing.

4. Canon City is required to inform the Commission in writing that the work is complete within ten days after completion. We shall expect this letter by November 30, 2026. However, we understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

5. Rock And Rail will be required to update the US DOT Crossing Inventory Form for the crossing. This form will need to be filed in this proceeding by Rock And Rail by November 30, 2026.

6. The 20-day period provided for in § 40-6-114, C.R.S., within which to file an Application 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 upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 4, 2025.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners