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STATE OF COLORADO
PUBLIC UTILITIES COM.

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 06A-670R

IN THE MATTER OF THE APPLICATION FOR THE CITY OF FORT COLLINS, COLORADO FOR THE AUTHORITY TO MODIFY THE EXISTING RAILROAD SIGNAL SYSTEM FOR THE AT-GRADE CROSSING OF THE UNION PACIFIC RAILROAD COMPANY'S CROSSING ON HORSETOOTH ROAD IN THE CITY OF FORT COLLINS, LARIMER COUNTY, COLORADO

DOCKET NO. 06A-671R

IN THE MATTER OF THE APPLICATION OF THE CITY OF FORT COLLINS, COLORADO FOR THE AUTHORITY TO MODIFY THE EXISTING RAILROAD SIGNAL SYSTEM FOR THE AT-GRADE CROSSING OF THE UNION PACIFIC RAILROAD COMPANY'S CROSSING ON DRAKE ROAD IN THE CITY OF FORT COLLINS, LARIMER COUNTY, COLORADO

STIPULATION AND STATEMENT OF MATTERS TO BE DETERMINED

COME NOW the City of Fort Collins, Colorado ("City") by and through its Deputy City Attorney, W. Paul Eckman and Clinton P. Swift of Swift and Bramer and the Union Pacific Railroad Company ("Union Pacific") by and through its counsel, Kathleen M. Snead, and hereby submit their Stipulation in the above-captioned matters. In support of the Stipulation, the City and Union Pacific would show unto the Colorado Public Utilities Commission ("Commission") as follows:

BACKGROUND

1. The above-captioned applications were filed with the Commission by the City on December 26, 2006. The applications sought approval of the Commission to install Pedestrian standard vehicular traffic control signals adjacent to and within two hundred feet of the Union Pacific crossings of Horsetooth Road and Drake Road in the City in connection with existing pedestrian/ bike paths at such locations. The Commission had previously approved railroad crossing signals, consisting of flashing lights, bells, and gates, at both locations, which UP had installed and maintained.
2. The Colorado Public Utilities Commission, by Decision No. C07-0148 in Docket No. 06A-670R and Decision No. C07-049 in Docket No. 06A-671R, granted both applications, as amended on February 21, 2007. These decisions authorized and ordered the City to proceed with installation of Pedestrian traffic signals at the railroad crossings located at Horsetooth

Road and Drake Road (Crossings) and to interconnect and preempt such traffic signals with the railroad signal controller at the Crossings.

3. On April 28, 2009 the City moved to withdraw both Applications and requested that Decisions No. C07-0148 and C07-0149 be vacated.

4. On May 15, 2009 the Union Pacific ("UP") filed its opposition to the City's request.

5. These matters were consolidated for hearing purposes by Decision No. R-09-0760-I.

6. Following a lengthy procedural history, the Commission, by Decision No. C10-1322 mailed December 13, 2010 remanded this matter to the Administrative Law Judge for a determination of the merits, consistent with the discussion contained in its Order.

7. A pre-hearing conference was held on January 26, 2011. The Administrative Law Judge, by Interim Order Setting Hearing and Establishing Procedural Schedule mailed January 27, 2011 requested that, in addition to the other issues in the case, the parties address the contemplated type of "overlap" at the time the initial applications were filed and address the question of what type of preemption was necessary to address the "overlap".

8. The City filed its List of Witnesses and Summary of Testimony and Exhibits February 25, 2011.

9. The City proposes to place standard vehicular traffic control signals at the crossings, consistent with the original applications. In light of this development, the Parties hereto have reached the following stipulation.;

STIPULATION

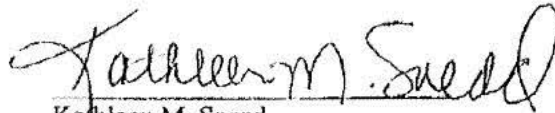
1. The City and Union Pacific agree that the City's proposal to install standard vehicular traffic control signals at the pedestrian crosswalk located on the railroad crossings on Horsetooth Road and on Drake Road, and interconnected to existing Union Pacific track circuitry to provide preemption of the Pedestrian signals is acceptable, in accordance with Exhibits A and B attached hereto.

2. When a train approaches the crossings, the sequence will be as follows:
 - (a) Preemption signal sent to traffic control cabinet via railroad interconnect.
 - (b) Yellow change interval on the vehicular traffic control signal begins and lasts for 4.5 seconds. Railroad gates remain upright and Railroad warning lights remain dark.
 - (c) Solid red on the vehicular traffic control signal after 4.5 seconds of yellow change.
 - (d) Railroad warning lights begin to flash red 1.5 seconds after the start of the red interval on the vehicular traffic control signal.
 - (e) Railroad gates begin to descend a minimum of 3 seconds after the start of the railroad warning lights. The vehicular traffic control signal will continue to display red. Railroad warning lights will continue to flash while the gates descend and remain flashing for the duration of the train event
 - (f) Vehicular traffic control signal remains red for the duration of the railroad signal/crossing gate operation.
 - (g) When the railroad warning lights cease operating with the gates fully up, the vehicular traffic control signal turns green to allow traffic to proceed.
3. When no trains and no pedestrians are present, the vehicular traffic control signal will rest in green.
4. When activated by a trail user, in absence of any trains, the Railroad warning lights will be dark and the sequence of the vehicular traffic control signals will be as follows: 4.5 seconds of yellow change, followed by 2.5 second of red clearance, followed by a pedestrian phase for trail users consisting of a WALK interval on the Pedestrian signals followed by a flashing DON'T WALK pedestrian change interval on the Pedestrian signals timed in accordance with the MUTCD to allow adequate time for a trail user to cross the street. The vehicular traffic control signal will be red during this pedestrian phase. Upon termination of the pedestrian change interval, a solid DON'T WALK indication will be displayed on the Pedestrian signals to trail users for the remainder of the pedestrian clearance interval following which the vehicular traffic control signal will return to green for traffic.
5. The City agrees to pay all costs to the railroad to do the necessary work at each crossing. The work will include installing an external interconnect box for preemption, installing an additional six (6) second gate delay relay, installing a preemption interface relay, extending the crossing approaches for an additional six (6) seconds of warning time and signal circuit design and plan preparation. Although UPRR has not done a current cost estimate of the work, based on estimates prepared last year in

connection with the Parties' earlier stipulation, an approximation of the costs of such work is \$13,400.

Respectfully submitted,

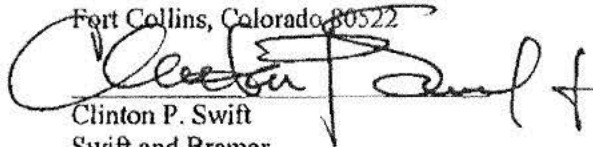
Dated this 6 day of June 2011.



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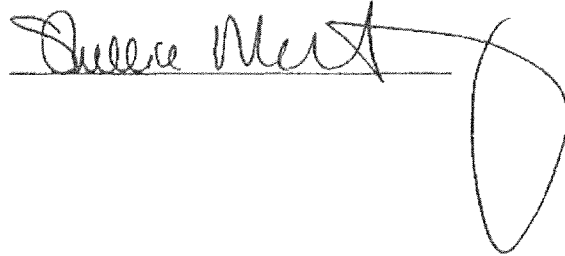
CERTIFICATE OF SERVICE

I hereby certify that on the 6 day of ~~April~~ ^{June}, 2011, the original and four (4) true and correct copies of the foregoing document were mailed via U.S. Mail, postage prepaid, to the following:

Doug Dean, Director
Public Utilities Commission
1560 Broadway, Suite 250
Denver, CO 80202

Administrative Law Judge Dale E. Isley
Colorado Public Utilities Commission

1560 Broadway
Suite 250
Denver, Colorado 80202

A handwritten signature in cursive script, appearing to read "Chelsea Merit", is written over a horizontal line. To the right of the signature is a large, loopy flourish that extends downwards and to the right.



