

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0401R

IN THE MATTER OF THE APPLICATION OF THE COLORADO DEPARTMENT OF TRANSPORTATION TO WIDEN THE EXISTING STATE HIGHWAY 139 AT-GRADE CROSSING OVER THE TRACKS OF THE UNION PACIFIC RAILROAD COMPANY AND REPLACE THE AUTOMATIC FLASHING LIGHT SIGNALS, GATES, AND BELLS AND INSTALL INTERCONNECTION CIRCUITRY WITH THE PROPOSED TRAFFIC SIGNAL NEAR THE TOWN OF LOMA, COLORADO.

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

Mailed Date: June 18, 2014
Adopted Date: June 18, 2014

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an application (Application) filed by the Colorado Department of Transportation (CDOT) on May 2, 2014, requesting authority to widen the existing State Highway 139 (SH 139) at-grade crossing at the tracks of the Union Pacific Railroad Company (UPRR); replace the active warning devices currently at the crossing with new flashing lights, gates, cantilever signal, bells and constant warning time circuitry; and to interconnect the replacement railroad crossing signal with the new traffic signal at the intersection of SH 139 and United States Highway 6 (US 6), National Inventory No. 253800K, near the Town of Loma, County of Mesa, 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 May 5, 2014.

3. On May 23, 2014, UPRR filed an Entry of Appearance and Notice of Intervention as of Right. UPRR does not contest or oppose the Application.

4. The Commission has reviewed the record in this matter and deems that the Application is complete pursuant to § 40-6-109.5, C.R.S.

5. The Commission has jurisdiction in this matter under §§ 40-4-106(2)(a) and (3)(a), 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 interventions were received opposing the Application.

8. CDOT seeks authority to widen the crossing of SH 139 at the tracks of the UPRR to three total lanes; replace the existing active warning devices with new flashing lights, gates, cantilever signal, bells and constant warning time circuitry; and to interconnect the new railroad signal with the new traffic signal at the intersection of SH 139 and US 6 near Loma, Colorado.

9. The preemption timing calculations provided by CDOT show that the traffic signal will require a maximum preemption time of 37 seconds. UPRR will provide 14 seconds of advance preemption time to the traffic signal controller.

10. CDOT states there are currently 2,200 vehicles per day (VPD) using the SH 139 crossing at a posted speed limit of 35 miles per hour (MPH) and 1,300 VPD traveling on US 6 at a posted speed limit of 50 MPH. Traffic volumes are projected to increase to 4,617 VPD on SH 139 and 3,663 VPD on US 6 by the year 2030. Train volumes currently using the crossing are 23 trains per day at a maximum timetable speed of 70 MPH with no projections for future growth at this time.

11. CDOT estimates the cost of this project at \$588,623 for the new railroad crossing signal equipment and new crossing surface, and \$26,000 for railroad flagging. The total project cost for the project is estimated at \$1.85 million with federal-aid funds providing for the total project cost.

12. CDOT proposes to start construction in the spring of 2015 and be complete by the fall of 2015. CDOT will be required to inform the Commission in writing that all work for the interconnection is complete and the preemption is operational within ten days of completion. The Commission will expect this letter no later than December 31, 2015. However, the Commission does understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule. CDOT will also be required to file a copy of the signed Construction and Maintenance Agreement in this proceeding by March 30, 2015 prior to construction beginning at the SH 139 crossing. Finally, we will require UPRR to update the National Inventory form for this crossing and to file that updated crossing inventory sheet in this proceeding by the end of construction on December 31, 2015.

C. Conclusions

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

14. No intervenor contests or opposes the Application.

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, we find good cause exists and that the requirements of public safety and necessity 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 Colorado Department of Transportation (CDOT) on May 2, 2014, requesting authority to widen the existing State Highway 139 (SH 139) at-grade crossing at the tracks of the Union Pacific Railroad Company (UPRR); replace the active warning devices currently at the crossing with new flashing lights, gates, cantilever signal, bells and constant warning time circuitry; and to interconnect the replacement railroad crossing signal with the new traffic signal at the intersection of SH 139 and United States Highway 6 (US 6), National Inventory No. 253800K, near the Town of Loma, County of Mesa, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The Intervention of Right filed by UPRR is noted.

3. The Application is granted.

4. CDOT is authorized and ordered to proceed with the roadway widening, active warning device replacement, and interconnection with the new traffic signal at US 6 and SH 139 at the crossing of SH 139 with the UPRR.

5. UPRR shall provide 14 seconds of advance preemption time to the US 6 and SH 139 traffic signal controller and provide for a maximum preemption time of 37 seconds.

6. CDOT shall file a copy of the signed Construction and Maintenance Agreement in this proceeding by March 30, 2015 prior to construction beginning at the SH 139 crossing.

7. CDOT is required to inform the Commission in writing that the crossing changes are complete and operational within ten days after completion. We shall expect this letter by December 31, 2015. However, we understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

8. UPRR is required to file a copy of the updated crossing inventory form showing the updated railroad related information for the crossing by December 31, 2015.

9. 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.

10. The Commission retains jurisdiction to enter further decisions as necessary.

11. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 18, 2014.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners