

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0694R

IN THE MATTER OF THE APPLICATION OF THE BOARD OF COUNTY COMMISSIONERS OF PROWERS COUNTY FOR AUTHORITY TO MODIFY AN EXISTING AT-GRADE CROSSING, INSTALL NEW FLASHING SIGNALS AND AUTOMATIC GATE ARMS FOR PROWERS COUNTY ROAD 22.5 CROSSING OF THE BNSF RAILROAD.

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

Mailed Date: August 11, 2014

Adopted Date: August 6, 2014

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an application (Application) filed by the County of Prowers (Prowers County) on June 23, 2014, requesting authority to install active warning equipment including flashing lights, gates, bells, constant warning time detection circuitry, and concrete crossing surface at the crossing and widen Prowers County Road 22.5 (CR 22.5) to 24' wide at the crossing with the tracks of the BNSF Railway Company (BNSF) La Junta Subdivision at railroad mile post 487.40, National Inventory No. 003211G, near the Town of Granada, Prowers County, 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 on June 27, 2014.

3. On July 25, 2014, BNSF filed an Entry of Appearance and Notice of Intervention. BNSF does not oppose or contest the Application.

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. 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 intervention was received opposing the Application.

8. Prowers County is requesting authority to upgrade the existing passive warning at CR 22.5 to active warning consisting of flashing light, gates, bells, constant warning time detection circuitry, and concrete crossing surfaces.

9. Prowers County states that the current traffic volume using the crossing is approximately 50 vehicles per day with no projections for future growth. There are currently approximately 10 trains per day using the crossing at speeds of up to 79 miles per hour.

10. The estimated cost for the work at the crossing is \$49,008 for the crossing surfaces and \$224,950 for the signal work. The cost of the work will be paid for with Section 130 Funds.

11. Prowers County states the proposed work is expected to start during the summer of 2014 and be completed by the fall of 2014. Prowers County will be required to file a copy of the signed Construction and Maintenance Agreement for this crossing prior to starting work at the crossing. We will expect this signed agreement to be filed no later than August 31, 2014. We will also require Prowers County to inform the Commission in writing that the crossing work is complete and operational within ten days of completion. The Commission will expect this

letter by October 31, 2014. 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.

12. We will require BNSF to update the crossing inventory form for this crossing and file a copy of the updated crossing inventory form in this proceeding. The Commission will expect this information to be filed with the completion of the crossing work by October 31, 2014.

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 that filed a petition to intervene or other pleading 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 County of Prowers (Prowers County) on June 23, 2014, requesting authority to install active warning equipment including flashing lights, gates, bells, constant warning time detection circuitry, and concrete crossing surface at the crossing and widen Prowers County Road 22.5 (CR 22.5) to 24' wide at the crossing with the

tracks of the BNSF Railway Company (BNSF) La Junta Subdivision at railroad mile post 487.40, National Inventory No. 003211G, near the Town of Granada, Prowers County, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The intervention of BNSF is granted.

3. The Application is granted.

4. Prowers County is authorized and ordered to proceed with widening the crossing of CR 22.5 to 24' and installing active warning equipment consisting of flashing lights, gates, bells, constant warning time detection circuitry, and new concrete crossing surfaces at the crossing of CR 22.5 in Prowers County.

5. Prowers County shall file a copy of the signed Construction and Maintenance Agreement for this project by August 31, 2014 prior to starting work at the crossing.

6. Prowers County shall inform the Commission in writing that the crossing changes are complete and operational within ten days of completion. We shall expect this letter by October 31, 2014. However, we understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

7. BNSF shall be required to update the National Inventory Form for this crossing and file a copy of the updated crossing inventory form in this proceeding by October 31, 2014.

8. 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.

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

10. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
August 6, 2014.**

(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

JOSHUA B. EPEL

PAMELA J. PATTON

Commissioners

COMMISSIONER GLENN A. VAAD
ABSENT.