

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-1093R

THE GREAT WESTERN RAILWAY OF COLORADO, LLC (GWRCO) IS SUBMITTING THIS APPLICATION TO THE PUBLIC UTILITIES COMMISSION (PUC) FOR AN ORDER AUTHORIZING THE RENEWAL OF THE EXISTING AT-GRADE CROSSING AT 8TH AVE. IN GREELEY (U.S. DOT# 245132N), LOCATED ON THE GWRCO GREELEY SUBDIVISION AT MP-98.29.

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

Mailed Date: December 24, 2014
Adopted Date: December 22, 2014

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 Company (GWRR) on November 10, 2014, requesting authority to move the existing northern and southern wye tracks north of their existing location; install a center median along the crossing approaches; install new crossing surfaces; relocate the existing active warning devices; and install constant warning time detection circuitry at the crossing of U.S. Business Highway 85 (8th Avenue) crossing with the tracks of the GWRR Greeley Subdivision at railroad mile post 98.29, National Inventory No. 245132N, in the City of Greeley, 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 on November 13, 2014.

3. On December 9, 2014, the Colorado Department of Transportation (CDOT) filed an Entry of Appearance and Notice of Intervention. CDOT does not contest or oppose the Application, but does request that approval of the Application be conditioned on a Construction and Maintenance Agreement being entered into between GWRR and CDOT.

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. GWRR is requesting authority to move the existing northern and southern wye tracks north of their existing location; install a center median along the crossing approaches; install new crossing surfaces; relocate the existing active warning devices; and install constant warning time detection circuitry at the crossing at 8th Avenue. Existing flashing light signals are proposed to be reused and retrofitted with LED lighting and new gate mechanisms on separate foundations.

9. The crossing changes are proposed as part of a larger rail line rehabilitation project on the GWRR Greeley Subdivision. The project involves reconnecting the GWRR tracks with tracks of the Union Pacific Railroad Company to allow interchanging of train traffic between the two railroads.

10. GWRR states that there are currently approximately 9,200 vehicles per day (VPD) with vehicle traffic estimated to increase to 23,400 VPD by 2035. There are currently no trains using the crossing. With the implementation of this GWRR project, train volumes are estimated to be two trains per day traveling at a speed of ten miles per hour (MPH) through the crossing in the next five years, and an increase to four to five trains per day traveling at a speed of ten MPH through the crossing in the next ten years.

11. The estimated cost for the construction at the crossing is \$550,000 with the cost of the work being paid for by a railroad rehabilitation and improvement financing loan, GWRR funds, and funding agreements with existing customers serviced by GWRR.

12. GWRR proposes to start work in mid-April of 2015. Track and roadway surface construction is expected to take approximately five days to complete and signal construction will take approximately ten days to complete. Tracks will be out of service during this time. GWRR will be required 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 May 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. GWRR will also be required to file a signed copy of the Construction and Maintenance Agreement with CDOT prior to starting any work at the crossing. The Commission will expect this agreement to be filed by March 31, 2015 prior to the start of construction.

13. We will require GWRR to update the crossing inventory form for this crossing showing the new siding track and active warning devices 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 May 31, 2015.

C. Conclusions

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

15. No intervenor that filed a petition to intervene or other pleading contests or opposes the Application.

16. 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.

17. 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 Great Western Railway Company (GWRR) on November 10, 2014, requesting authority to move the existing northern and southern wye tracks north of their existing location; install a center median along the crossing approaches; install new crossing surfaces; relocate the existing active warning devices; and install constant warning time detection circuitry at the crossing of U.S. Business Highway 85 (8th Avenue) crossing with the tracks of the GWRR Greeley Subdivision at railroad mile post 98.29, National Inventory No. 245132N, in the City of Greeley, County of Weld, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The Intervention of the Colorado Department of Transportation (CDOT) is granted.

3. The Application is granted.

4. GWRR is authorized and ordered to move the existing northern and southern wye tracks north of their existing location; install a center median along the crossing approaches; install new crossing surfaces; relocate the existing active warning devices; and install constant warning time detection circuitry at the 8th Avenue crossing in Greeley.

5. GWRR shall be required to file a copy of the signed Construction and Maintenance Agreement entered into with CDOT prior to starting construction at this crossing. The Commission will expect this agreement to be filed by March 31, 2015.

6. GWRR 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 May 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.

7. GWRR 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 May 31, 2015.

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
December 22, 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