

Decision No. C04-1274

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 03A-064R

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

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**COMMISSION ORDER GRANTING APPLICATION**

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Mailed Date: October 29, 2004

Adopted Date: October 27, 2004

**I. BY THE COMMISSION:**

**A. Statement**

1. On February 19, 2003, the City of Fort Collins, Colorado (Fort Collins), filed this application requesting authority to improve a portion of Horsetooth Road at the crossing of The Union Pacific Railroad Company (UPRR) at railroad milepost 27.52, National Inventory I.D. 804-504X, located in Fort Collins, Larimer County, Colorado.

2. The Commission gave notice of this application together with a copy of the application to all interested parties, including the adjacent property owners, in accordance with § 40-6-108(2), C.R.S. This Notice was mailed February 24, 2003.

3. On February 24, 2003, the Commission Staff filed an Entry of Appearance and Notice of Intervention.

4. On March 10, 2003, the Union Pacific Railroad Company (UPRR) filed its Entry of Appearance and Notice of Intervention.

5. On August 27, 2004 the Commission received a copy of the fully executed Agreement by and between Fort Collins and UPRR, dated January 30 2004, pertaining to the construction, maintenance, and funding for this project.

6. No intervention was received in opposition to this application.

7. The Commission has reviewed the record in this matter and deems that the application is now complete within the meaning of § 40-6-109.5, C.R.S.

**B. Findings of Fact**

8. The purpose of this application is to secure Commission approval to add 8 feet of concrete road crossing material to the south side of the crossing to add a pedestrian/bike sidewalk at Horsetooth Road.

9. The average daily vehicular traffic count at the existing crossing is approximately 22,300 vehicles per day with a speed of 40 mph. The estimated 20-year projection is 36,500 vehicles per day.

10. There are presently two UPRR trains per day with a maximum timetable speed of 30 mph.

11. The work to be done and the expenses therefor will be paid in accordance with the Agreement by and between Fort Collins, and UPRR dated January 30, 2004. The total estimated cost of the work is \$6,734.00.

12. Maintenance of the sidewalk approaches to the crossing will be by the Fort Collins. Maintenance of the crossing surface, roadbed, tracks, and warning devices will continue to be the responsibility of UPRR.

13. All exhibits, specifications, and plans are complete, accurate, and meet Commission requirements.

**C. Conclusions**

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

15. No intervention was received in opposition to this application. The application is uncontested and unopposed.

16. The Commission will determine this matter on the record, without a formal hearing, under § 40-6-109(5), C.R.S. (7093), and Rule 24, of the Commission's Rules of Practice and Procedure, 4 CCR 723-1.

17. The public safety, convenience, and necessity require, and will be served by granting this application.

**II. ORDER:**

**A. The Commission Orders That:**

1. The City of Fort Collins, Colorado is authorized to widen a portion of track surface for a pedestrian walkway at the crossing of Horsetooth Road and The Union Pacific

Railroad Company at railroad milepost 27.52, National Inventory I.D. 804-504X, located in Fort Collins, Larimer County, Colorado.

2. The total actual cost of labor and material required for the project shall be paid in accordance with the Agreement by and between the City of Fort Collins, Colorado, and The Union Pacific Railroad Company dated January 30, 2004.

3. The Union Pacific Railroad Company shall continue to maintain the crossing surface, roadbed, tracks, and grade crossing warning devices. The Colorado Department of Transportation shall continue to maintain the roadway and sidewalk approaches.

4. The Commission retains jurisdiction to enter further required orders.

5. 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 Order.

6. This Order is effective on its Mailed Date.

**B. ADOPTED IN THE COMMISSIONER'S WEEKLY MEETING  
October 27, 2004.**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners