

Decision No. C14-0111

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 13A-1362R

IN THE MATTER OF THE APPLICATION OF THE CITY OF DURANGO IN LA PLATA COUNTY, STATE OF COLORADO, FOR APPROVAL OF MAINTENANCE AND SAFETY IMPROVEMENTS TO PROVIDE BICYCLE AND PEDESTRIAN CROSSING OF AT-GRADE CROSSING OF THE DURANGO AND SILVERTON NARROW GAUGE RAILROAD AT E 2ND AVE AND 15TH STREET.

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

Mailed Date: January 31, 2014
Adopted Date: January 29, 2014

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an application (Application) filed by the City of Durango (Durango) on December 20, 2013, seeking authority to make improvements at the crossing of E. 2nd Avenue and 15th Street with the Durango and Silverton Narrow Gauge Railroad (DSNGR) consisting of reducing the number of thru travel lanes at the crossing, delineating dedicated left turn lanes, providing better bicycle lane assignments, adding sidewalk, replacing the existing crossing surface, installing new conduit and upgraded controls for the existing railroad crossing flashing light signals, and installing improved storm water drainage to decrease storm runoff crossing the railroad tracks, National Inventory No. 253706W, in Durango, County of La Plata, State of Colorado.

2. Notice of the Application was provided by the Commission to all interested parties, including adjacent property owners pursuant to § 40-6-108(2), C.R.S., on December 24, 2013.

3. No interventions were filed in this matter.

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. Now being fully advised in the matter, we grant the Application.

B. Findings of Fact

6. The Commission gave notice to all interested parties, including the adjacent property owners. No intervention was received opposing the Application.

7. Durango seeks to make safety improvements at the crossing of the DSNGR with the intersection of E. 2nd Avenue and 15th Street. The tracks of the DSNGR cross diagonally through the intersection of E. 2nd Avenue and 15th Street. Durango received grant funds from the Federal Transit Administration New Freedom Funds to implement the requested safety improvements. As part of the safety improvements, Durango proposes to provide a better order by lane assignment of existing motor vehicle and bicycle traffic on 15th Street, reduce the number of thru travel lanes, provide dedicated left turn lanes, and better define existing pedestrian corridors with sidewalk connections by installing new sidewalk at specific locations around the intersection and through the crossing. Safety improvements would also include replacing the existing crossing surface, installing improved storm water drainage to decrease storm water runoff across the railroad tracks, and provide new conduit and updated controls for the existing flashing light signals at the crossing. Crosswalk pavement markings will be added across all legs of the intersection/crossing but the east leg and accessible ramps and detectible warning strips will be added at all four corners of the intersection to guide pedestrians as to where to cross the intersection. Advance warning signs on all four legs of the intersection/crossing and pavement markings on the 15th Street approaches are also proposed.

The profile of the crossing is not proposed to be altered as part of this project, and the existing flashing light signals are proposed to remain with this project.

8. Durango states that there are currently 4,200 vehicles per day using the intersection/crossing as well as approximately 500 bicyclists and pedestrians per day. The DSNGR currently runs approximately six trains per day through the crossing in addition to approximately two to three small maintenance vehicles and equipment through the crossing per day at a maximum speed of ten miles per hour. All travel mode volumes are not expected to change significantly in the near future. Durango notes that there are existing sections of the Animas River Trail that currently run adjacent to the DSNGR corridor and that there have been no conflicts between pedestrians, bicyclists, or motor vehicles at this crossing location.

9. Durango states that this project was identified by the public in meetings held regarding the Multi Modal Transportation Master Plan as a community priority project. Additionally, the DSNGR provided a letter of support for the improvements and has played an active role in the development of the plans.

10. Construction is proposed to occur during the spring of 2014. The cost of the project is estimated at \$195,000 for the crossing surface replacement, and \$447,537 for the civil engineering improvements at the crossing with the Federal Transit Administration grant funds, and any necessary additional funds needed from Durango to pay for the costs of the project.

11. Durango notes that the plans provided with the Application are at the 60 percent design level, and that Durango is requesting initial approval of the proposed improvements at the crossing. Durango will continue to develop the detailed engineered plans for the crossing. We will require Durango to file a copy of the final completed plans in this proceeding so we have an accurate record of what is constructed at the crossing and intersection and to file those plans in

this proceeding by June 30, 2014 at the end of the project. Should any changes from what was requested in the instant Application be necessary, Durango can make any necessary requested changes by amending the Application.

12. Durango will be required to inform the Commission in writing when the crossing changes and improvements are complete and operational within ten days of completion. The Commission will expect this letter by June 30, 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.

13. DSNGR will be required to update the crossing inventory form for the subject crossing showing the crossing changes made as part of this project. DSNGR shall file a copy of the updated crossing inventory form in this proceeding by the end of the project on June 30, 2014.

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 finds that it will determine this matter upon the record, without a formal hearing under § 40-6-109(5), C.R.S., and Rule 1403, 4 *Code of Colorado Regulations* 723-1 of the Commission's Rules of Practice and Procedure.

17. We find that good cause exists to grant the Application consistent with the above discussion.

II. ORDER

A. The Commission Orders That:

1. The application (Application) filed by the City of Durango (Durango) on December 20, 2013, seeking authority to make improvements at the crossing of E. 2nd Avenue and 15th Street with the Durango and Silverton Narrow Gauge Railroad (DSNGR) consisting of reducing the number of thru travel lanes at the crossing, delineating dedicated left turn lanes, providing better bicycle lane assignments, adding sidewalks, replacing the existing crossing surface, installing new conduit and upgraded controls for the existing railroad crossing flashing light signals, and installing improved storm water drainage to decrease storm runoff crossing the railroad tracks, National Inventory No. 253706W, in Durango, County of La Plata, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. This Application is granted.

3. Durango is authorized and ordered to proceed with construction of the proposed improvements at the crossing of the DSNGR with E. 2nd Avenue and 15th Street in Durango, Colorado.

4. Durango shall inform the Commission in writing when the crossing and intersection improvements are complete within ten days of completion. The Commission will expect this letter by June 30, 2014. However, the Commission understands this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

5. Durango shall file a copy of the final plans for the intersection and crossing work in this proceeding by the end of construction on June 30, 2014.

6. DSNGR is required to update the crossing inventory form for the subject crossing showing the crossing changes in this proceeding by June 30, 2014.

7. 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.

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

9. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 29, 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