

Decision No. C14-0870

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

PROCEEDING NO. 14A-0621R

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IN THE MATTER OF THE APPLICATION OF THE TOWN OF JOHNSTOWN AND COUNTY OF LARIMER FOR AUTHORITY TO ALTER AN EXISTING AT-GRADE CROSSING OF GREAT WESTERN RAILROAD COMPANY'S TRACKS AT COUNTY ROAD 3 IN THE TOWN OF JOHNSTOWN AND COUNTY OF LARIMER, AND TO INSTALL ACTIVE WARNING DEVICES AT THIS CROSSING.

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

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Mailed Date: July 25, 2014  
Adopted Date: July 23, 2014

**I. BY THE COMMISSION**

**A. Statement**

1. This matter comes before the Commission for consideration of an application (Application) filed by the Town of Johnstown (Johnstown) on June 5, 2014, requesting authority to widen the existing roadway and install active warning consisting of flashing lights, gates, and bells at the crossing of Larimer County Road 3 (LCR 3) with the Great Western Railway Company (GWR), National Inventory No. 872118W in Johnstown, County of Larimer, State of Colorado.

2. On June 9, 2014, Staff of the Commission sent correspondence requesting clarification of the Application. The original Application stated that Johnstown and the County of Larimer were filing the Application. However, only Johnstown signed the Application.

3. On June 10, 2014, Johnstown filed a Motion to Strike Reference to the County of Larimer as an Applicant and to Amend Application to Delete Such Reference (Motion) clarifying that Johnstown is the sole applicant to the Application.

4. 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 June 12, 2014.

5. No interventions were filed in this matter.

6. 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.

7. Now being fully advised in the matter, we grant the Motion and grant the Amended Application.

**B. Findings of Fact**

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

9. Johnstown requests authority to widen the existing crossing of LCR 3 to include two 12' travel lanes and two 6' bike lanes. In addition to the roadway widening, Johnstown also requests authority to install active warning at the crossing consisting of flashing lights, gates, bells, and constant warning time detection circuitry and posting of R8-8 "Do Not Stop on Tracks" signs. This roadway widening and crossing signalization is a part of the Thompson Crossing II development occurring at the southwest corner of the crossing.

10. The proposed roadway widening is an interim condition and does not build out the roadway to the ultimate four-lane major arterial roadway cross-section, which Johnstown will apply for with the Commission in the future as growth continues to occur in the area.

11. Johnstown states that GWR currently runs two trains per day through the crossing at a maximum timetable speed of ten miles per hour (MPH) with an estimated increase to six train movements per day through the crossing within the next five years. There are currently 250 vehicles per day (VPD) using the crossing at a posted speed limit of 45 MPH with a projected increase to 9,310 VPD by 2035.

12. The estimated cost of the proposed crossing improvements is \$236,100. Johnstown is requiring the Thompson Crossing II developer to pay for the costs of the project.

13. Johnstown proposes to start and complete construction during the third quarter of 2014.

14. Johnstown will be required to inform the Commission in writing that the path is complete and operational within ten days of completion. The Commission will expect this letter by September 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.

15. We will also require Johnstown to file a copy of the signed Construction and Maintenance Agreement with the Commission by July 31, 2014 prior to the start of any construction work at the crossing.

**C. Conclusions**

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

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

18. 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, Commission Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1.

19. Based on the Findings of Fact, we find that 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 Town of Johnstown (Johnstown) on June 5, 2014, as amended on June 10, 2014 by the Motion to Strike Reference to the County of Larimer as an Applicant and to Amend Application to Delete Such Reference (Motion), requesting authority to widen the existing roadway and install active warning consisting of flashing lights, gates, and bells at the crossing of Larimer County Road 3 (LCR 3) with the Great Western Railway Company (GWR), National Inventory No. 872118W in Johnstown, County of Larimer, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The Motion is granted.

3. The Application as amended is granted.

4. Johnstown is authorized and ordered to proceed with the widening of LCR 3 at the tracks of the GWR to include two 12' travel lanes and two 6' bike lanes, installation of active warning consisting of flashing lights, gates, bells, and constant warning time detection circuitry, and posting of R8-8 "Do Not Stop on Tracks" signs as shown on the plans attached to the Application.

5. Johnstown shall be required to file a copy of the signed Construction and Maintenance Agreement with the Commission by July 31, 2014 prior to the start of any construction work at the crossing.

6. Johnstown shall inform the Commission in writing that the roadway and signal installation is complete and operational within ten days of completion. The Commission will expect this letter by September 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.

7. The GWR shall be required to update the National Inventory Form for this crossing and file a copy of that updated form in this proceeding by the end of construction in September 30, 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  
July 23, 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

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PAMELA J. PATTON

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GLENN A. VAAD

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Commissioners