

Decision No. C14-0952

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0750R

IN THE MATTER OF THE APPLICATION OF THE REGIONAL TRANSPORTATION DISTRICT FOR AUTHORITY TO ALTER THE AT-GRADE CROSSING ORIGINALLY APPROVED IN PROCEEDING NO. 11 A-581 RAND MODIFIED IN PROCEEDING NO. 12A-1047R AT RTD'S WEST CORRIDOR AND EARL JOHNSON ROAD IN THE CITY OF GOLDEN, COUNTY OF JEFFERSON, STATE OF COLORADO.

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

Mailed Date: August 6, 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 Regional Transportation District (RTD) on July 9, 2014, requesting authority to change the preemption timing at the at-grade crossing of Earl Johnson Road where it intersects the RTD West Corridor, no current National Inventory Number, in the City of Golden, County of Jefferson, State of Colorado.

2. Simultaneously, RTD filed a Motion to Shorten Intervention Period to 10 Days. The Commission granted this Motion by Interim Decision No. C14-0832-I mailed July 17, 2014.

3. The Commission gave ten days' 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 July 18, 2014.

4. No interventions were filed in this matter.

5. 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.

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

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

9. RTD is requesting authority to alter the preemption currently in use at the Earl Johnson Road crossing from advanced preemption to simultaneous preemption.

10. Since the Earl Johnson Road crossing went into service, it has been noted by RTD and other roadway entities that the advanced preemption at the crossing is resulting in significant delays to traffic at the intersection of Earl Johnson Road and U.S. 6 because no vehicles are moving with the advanced preemption as currently implemented. This lack of vehicle movement has the possibility of inducing bad driver behavior and drivers taking safety risks because of the perceived excessive delays. To correct this issue, RTD is proposing to change the operation of the crossing from advance preemption to simultaneous preemption. Simultaneous preemption will provide notification of the approaching train to the highway traffic signal controller and railroad crossing active warning devices at the same time.

11. The proposed change from advanced preemption to simultaneous preemption will require minor adjustments to the timing of the traffic signal to which the railroad signal is interconnected, but will not require new equipment. RTD did not prepare a cost estimate as the work to be done in the field to make the requested changes will be minimal.

12. Based on its calculations, RTD proposes providing a total of 26 seconds of simultaneous preemption time to the traffic signal controller. This time will allow sufficient time for the worst case scenario of right-of-way transfer from U.S. 6 to Earl Johnson Road and time to clear Earl Johnson Road of any vehicles that may be queued on the tracks.

13. RTD proposes to start the alteration immediately upon Commission approval and be completed by August 2014. RTD will be required to inform the Commission in writing that all work for the preemption change is complete and operational within ten days of completion. The Commission will expect this letter no later than August 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.

C. Conclusions

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

15. No interventions were filed in this matter.

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 Regional Transportation District (RTD) on July 9, 2014, requesting authority to change the preemption timing at the at-grade crossing of Earl Johnson Road where it intersects the RTD West Corridor, no current National Inventory Number, in the City of Golden, County of Jefferson, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The Application is granted.

3. RTD is authorized and ordered to proceed with changing the preemption of the U.S. 6/Earl Johnson Road traffic signal by the RTD railroad signal from advanced preemption to simultaneous preemption with 26 seconds of preemption time.

4. RTD is required to inform the Commission in writing that the preemption changes are complete and operational within ten days after completion. We shall expect this letter by August 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.

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 Decision.

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

7. 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.