

Decision No. C14-0964

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0654R

IN THE MATTER OF THE APPLICATION OF THE CITY OF FORT COLLINS FOR
AUTHORITY TO MODIFY APPROACH SIGNS IN ADVANCE OF THE BUSWAY AND
TRACK CROSSING OF THE BNSF RAILWAY AND LAKE STREET, CITY OF
FORT COLLINS, LARIMER COUNTY, COLORADO.

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

Mailed Date: August 8, 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 City of Fort Collins (Fort Collins) on June 16, 2014, requesting authority to modify approach signs east and west of the tracks owned by the BNSF Railway Company (BNSF) and the parallel Bus Rapid Transit (BRT) at the crossing of Lake Street, National Inventory No. 244627L, in Fort Collins, County of Larimer, 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 June 23, 2014.

3. On July 22, 2014, BNSF filed an Entry of Appearance and Notice of Intervention. BNSF does not contest or oppose the granting of the Application.

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. Fort Collins is requesting authority to modify the approach signing that was approved by the Commission by Decision No. C12-0680 in Proceeding No. 12A-483R issued June 22, 2012, because of issues with the interaction of traffic on Lake Street and the BRT.

9. Fort Collins previously requested authority to install R8-10 “Stop Here when Flashing” signs on each approach. Fort Collins proposes to remove these signs and replace them with R8-8 “Do Not Stop on Tracks” signs on each approach. Fort Collins also proposes installing R1-2 “Yield” signs with a special plaque that states “To Buses”. The need for these sign changes is that vehicle, pedestrian, and bicycle traffic currently has the right-of-way to the BRT. With the sporadic nature of the traffic, the BRT is having a difficult time crossing the street. The signing changes will not change the railroad right-of-way at the crossing, but will allow the BRT right-of-way over the vehicle, pedestrian, and bicycle use at the crossing/BRT guideway.

10. There are currently 8 trains per day using the crossing at a maximum timetable speed of 25 miles per hour (MPH). There are currently 3,301 vehicles per day (VPD) that were using the crossing based on a 2010 traffic count at a posted speed limit of 25 MPH with projections of an increase to 4,489 VPD by 2035.

11. Fort Collins states that no work will be required by the railroad. All work will be conducted and paid for by Fort Collins. Fort Collins estimates the cost of the signing changes at \$262.08.

12. Fort Collins anticipates starting the modifications in the summer of 2014 with work anticipated to be completed in early August 2014 by the time Colorado State University is back in session.

C. Conclusions

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

14. No interventions were filed opposing this matter.

15. 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 Regulation* 723-1.

16. 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 City of Fort Collins (Fort Collins) on June 16, 2014, requesting authority to modify approach signs east and west of the tracks owned by the BNSF Railway Company (BNSF) and the parallel Bus Rapid Transit at the crossing of Lake Street, National Inventory No. 244627L, in Fort Collins, County of Larimer, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The intervention of BNSF is granted.

3. The Application is granted.

4. Fort Collins is authorized and ordered to proceed with the signage changes of removing the R8-10 “Stop Here when Flashing” signs and addition of the R8-8 “Do Not Stop on Tracks” signs, and R1-2 “Yield” signs and special plaque stating “To Buses” on each side of the Lake Street crossing in Fort Collins, Colorado.

5. Fort Collins is required to inform the Commission in writing that the signage 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.

6. 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.

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

8. 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.