

Decision No. C14-1068

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

PROCEEDING NO. 14A-0795R

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IN THE MATTER OF THE APPLICATION OF THE CITY OF COMMERCE CITY, COLORADO, FOR THE AUTHORITY TO CONSTRUCT A TRAFFIC TURN LANE IN THE RIGHT OF WAY OF THE UNION PACIFIC RAILROAD, MP 11.25, TRACK A MAINLINE, GREELEY SUBDIVISION, CROSSING 104TH AVENUE 1/8 OF A MILE EAST OF U.S. HIGHWAY 85, CITY OF COMMERCE CITY, ADAMS COUNTY, COLORADO.

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

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Mailed Date: September 4, 2014

Adopted Date: September 3, 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 Commerce City (Commerce City) on July 22, 2014, requesting authority to construct a traffic turn lane and modification of a queue cutter traffic signal device in the right-of-way at the crossing of the tracks of the Union Pacific Railroad Company (UPRR) with 104th Avenue, National Inventory No. 804433D, in Commerce City, County of Adams, 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 July 28, 2014.

3. On August 26, 2014, UPRR filed an Entry of Appearance and Notice of Intervention as of Right. UPRR does not contest or oppose 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. 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. Commerce City is requesting authority to alter 104th Avenue at the crossing with the UPRR by constructing an additional turn-lane that will be located just west of the crossing and to make modifications to the queue cutter traffic signal device that was approved by the Commission in Proceeding No. 10A-842R.

8. The purpose of the proposed roadway alteration is to provide access to a property located in the southwest quadrant of the crossing and to include detection of that new lane by the queue cutter traffic signal device through installation of additional loop detectors.

9. Commerce City states that there are currently 20 train movements through the crossing per day including 7 through train movements at a maximum timetable speed of 60 miles per hour (MPH) with no current known increases or decreases to train volumes in the future. The existing traffic volume through the crossing is 16,064 vehicles per day (VPD) at a posted speed limit of 35 MPH with traffic volumes expected to increase to 24,000 VPD in 20 years. Commerce City proposes to start construction in September 2014 and be complete by December 2014.

10. Commerce City states the proposed work is expected to start in September 2014 and be complete by December 2014. Commerce City will be required to file a copy of the updated and signed Construction and Maintenance Agreement for this crossing prior to starting

work at the crossing. We will expect this signed agreement to be filed no later than September 30, 2014. We will also require Commerce City to inform the Commission in writing that the crossing work is complete and operational within ten days of completion. The Commission will expect this letter by December 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.

11. Commerce City estimates the cost of the proposed changes at \$64,580.08 with Commerce City paying for all project costs.

**C. Conclusions**

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

13. No interventions were filed in this matter.

14. 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.

15. 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 City of Commerce City (Commerce City) on July 22, 2014, requesting authority to construct a traffic turn lane and modification of a queue cutter traffic signal device in the right-of-way at the crossing of the tracks of the Union

Pacific Railroad Company (UPRR) with 104th Avenue, National Inventory No. 804433D, in Commerce City, County of Adams, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The intervention of UPRR is granted.
3. The Application is granted.
4. Commerce City is authorized and ordered to proceed with the additional turn lane and modification to the queue cutter traffic signal device through addition of vehicle detection loops at the crossing of 104th with the UPRR.
5. Commerce City is required to file a copy of the updated and signed Construction and Maintenance Agreement for this crossing prior to starting work at the crossing by September 30, 2014.
6. Commerce City is required to inform the Commission in writing that the changes are complete and operational within ten days after completion. We shall expect this letter by December 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.
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  
September 3, 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