

Decision No. C14-1106

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0786R

IN THE MATTER OF THE APPLICATION OF THE TOWN OF EATON FOR AUTHORITY TO INSTALL AUTOMATIC RAILROAD GATES WITH FLASHING LIGHTS, BELLS, CROSSBUCKS AND SIGNAL BUNGALOW AT THE WELD COUNTY ROAD 76 CROSSING OF THE UNION PACIFIC RAILROAD TRACKS, WELD COUNTY, COLORADO.

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

Mailed Date: September 12, 2014

Adopted Date: September 10, 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 Eaton (Eaton) on July 18, 2014, requesting authority to install active warning equipment including flashing lights, gates, bells, constant warning time detection circuitry, and advance warning signs and pavement markings at the crossing of Weld County Road 76 (WCR 76) with the tracks of the Union Pacific Railroad Company (UPRR) Greeley Subdivision at railroad mile post 59.88, National Inventory No. 804856D, in Eaton, County of Weld, 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 29, 2014.

3. On August 26, 2014, UPRR filed an Entry of Appearance and Notice of Intervention. UPRR does not oppose or contest the Application.

4. On August 27, 2014, the Colorado Department of Transportation filed an Entry of Appearance.

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. Eaton is requesting authority to upgrade the existing passive warning at WCR 76 to active warning consisting of flashing light, gates, bells, and constant warning time detection circuitry. Eaton also proposes installing advance warning signs and pavement markings.

10. Eaton states that the current traffic volume using the crossing is approximately 1,662 vehicles per day (VPD) traveling at a posted speed limit of 45 miles per hour (MPH) with growth projected to 6,800 VPD by 2035. There are currently approximately 15 trains per day using the crossing at speeds of up to 79 MPH.

11. The estimated cost for the work at the crossing is \$221,567 for the crossing signal work, \$969.82 for the advance warning signs, and \$1,200 for the pavement markings. The cost of the work will be paid for with Section 130 Funds.

12. Eaton states the proposed work is expected to start during the fall of 2014 and be completed by the spring of 2015. Eaton will be required to file a copy of the 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 Eaton 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 May 31, 2015. 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. We will require UPRR to update the crossing inventory form for this crossing and file a copy of the updated crossing inventory form in this proceeding. The Commission will expect this information to be filed with the completion of the crossing work by May 31, 2015.

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 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 Town of Eaton (Eaton) on July 18, 2014, requesting authority to install active warning equipment including flashing lights, gates,

bells, constant warning time detection circuitry, and advance warning signs and pavement markings at the crossing of Weld County Road 76 (WCR 76) with the tracks of the Union Pacific Railroad Company (UPRR) Greeley Subdivision at railroad mile post 59.88, National Inventory No. 804856D, in Eaton, County of Weld, 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 Entry of Appearance of the Colorado Department of Transportation is noted.
4. The Application is granted.
5. Eaton is authorized and ordered to proceed with installing active warning equipment consisting of flashing lights, gates, bells, constant warning time detection circuitry, and advance warning signs and pavement markings at the crossing of WCR 76 in Eaton.
6. Eaton shall file a copy of the signed Construction and Maintenance Agreement for this project by September 30, 2014 prior to starting work at the crossing.
7. Eaton shall inform the Commission in writing that the crossing changes are complete and operational within ten days of completion. We shall expect this letter by May 31, 2015. However, we understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.
8. UPRR shall be required to update the National Inventory Form for this crossing and file a copy of the updated crossing inventory form in this proceeding by May 31, 2015.
9. 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.
10. The Commission retains jurisdiction to enter further decisions as necessary.

11. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 10, 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