

Decision No. C14-1201

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0875R

IN THE MATTER OF THE APPLICATION OF THE COLORADO DEPARTMENT OF TRANSPORTATION AND THE TOWN OF HUDSON TO CONSTRUCT A PEDESTRIAN SIDEWALK ALONG THE SOUTH SIDE OF STATE HIGHWAY 52 AND CROSSING OVER THE TRACKS OF THE BNSF RAILWAY COMPANY IN THE TOWN OF HUDSON, WELD COUNTY, COLORADO.

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

Mailed Date: October 3, 2014

Adopted Date: October 1, 2014

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an application (Application) filed jointly by the Colorado Department of Transportation and the Town of Hudson (Hudson) (collectively Joint Applicants) on August 19, 2014, requesting authority to construct a pedestrian sidewalk along the south side of State Highway 52 (SH 52), install pedestrian active warning devices and detectible warning panels, and replace the existing vehicle active warning devices at the crossing with the tracks of the BNSF Railway Company (BNSF) Brush Subdivision at railroad mile post 512.99, National Inventory No. 057209F, in Hudson, 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 August 22, 2014.

3. On September 12, 2014, BNSF filed an Entry of Appearance and Notice of Intervention. BNSF does not oppose or contest 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. The Joint Applicants are requesting authority to remove an existing pedestrian path and construct a new pedestrian sidewalk along the south side of SH 52, install pedestrian active warning devices consisting of pedestrian flashing lights for pedestrians at the mainline and siding track, install detectable warning panels at the crossings of both the mainline and siding track, and the industrial house track, and replace the existing vehicle active warning devices with new flashing lights, gates, bells, constant warning time detection circuitry, and new signal bungalow. New crossing surfaces will be installed for the pedestrian sidewalk.

9. The Joint Applicants state that the current traffic volume using the crossing is approximately 6,000 vehicles (VPD) at a speed of 25 miles per hour (MPH) with projections for growth to 6,600 VPD in the next ten years. There are currently approximately 26 freight trains per day using the crossing at speeds of up to 60 MPH and 2 passenger trains using the crossing at speeds of up to 79 MPH with no current projections of future train traffic growth.

10. The estimated cost for the work at the crossing is \$250,000 for the pedestrian sidewalk and \$518,427 for the signal construction. The cost of the work will be paid for with Section 130 Funds.

11. The Joint Applicants propose to start construction in early 2015 with work being complete by March 2015. The Joint Applicants 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 December 31, 2014. We will also require the Joint Applicants 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 March 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.

12. We will require BNSF 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 March 31, 2015.

C. Conclusions

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

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

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 Regulations* 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 jointly by the Colorado Department of Transportation and the Town of Hudson (Hudson) (collectively Joint Applicants) on August 19, 2014, requesting authority to construct a pedestrian sidewalk along the south side of State Highway 52 (SH 52), install pedestrian active warning devices and detectible warning panels, and replace the existing vehicle active warning devices at the crossing with the tracks of the BNSF Railway Company (BNSF) Brush Subdivision at railroad mile post 512.99, National Inventory No. 057209F, in Hudson, County of Weld, 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. The Joint Applicants are authorized and ordered to proceed with removal of an existing pedestrian pathway and installation of a new pedestrian sidewalk on the south side of SH 52, installation of pedestrian flashing lights and detectible warning panels, and replace the existing vehicle active warning devices with new flashing lights, gates, bells, constant warning time detection circuitry, and a new signal bungalow at the crossing of SH 52 in Hudson.

5. The Joint Applicants shall file a copy of the signed Construction and Maintenance Agreement for this project by December 31, 2014 prior to starting work at the crossing.

6. The Joint Applicants 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 March 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.

7. BNSF 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 March 31, 2015.

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
October 1, 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