

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-1032R

THE GREAT WESTERN RAILWAY OF COLORADO, LLC (GWRCO) IS SUBMITTING THIS APPLICATION TO THE PUBLIC UTILITIES COMMISSION (PUC) FOR AN ORDER AUTHORIZING THE RELOCATION AND CONVERSION OF THE EXISTING AT-GRADE CROSSING TO A GRADE-SEPARATED CROSSING. THE POUUDRE RIVER PEDESTRIAN PATH CROSSING (U.S. DOT# 934035G) IS LOCATED BETWEEN WINDSOR AND GREELEY, ON THE GWRCO GREELEY SUBDIVISION AT MP-94.60.

**INTERIM DECISION DEEMING APPLICATION
COMPLETE AND REFERRING APPLICATION AND
INTERVENTIONS TO AN ALJ FOR DISPOSITION**

Mailed Date: December 11, 2014

Adopted Date: December 10, 2014

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an application (Application) filed by the Great Western Railway Company of Colorado (GWRR) on October 22, 2014 requesting authority to construct a grade separated pedestrian crossing of the Poudre River Pedestrian Path and to remove the existing at-grade pedestrian path for this same pathway with the tracks of the GWRR Greeley Subdivision at approximate railroad milepost 94.60, National Inventory No. 934035G, in the County of Weld, State of Colorado.

2. Notice of the Application was provided by the Commission to all interested parties, including adjacent property owners pursuant to § 40-6-108(2), C.R.S., on October 28, 2014.

3. On November 26, 2014, the City of Greeley (Greeley) filed a Motion to Permissibly Intervene. Greeley states it has an interest in this matter in providing continued safe access along the entire length of the Poudre River Trail and generally supports the conversion of

the existing at-grade pedestrian trail to a grade-separated crossing. However, Greeley states that the design of the proposed grade separated crossing is inadequate in terms of the steepness of the grade in conforming with the Americans with Disabilities Act, the narrow cross section, the use of galvanized sheet piling, and the potential drainage issues. Greeley owns the property immediately south of the crossing and adjacent to the proposed underpass. Greeley opposes the application and requests a hearing on this matter.

4. On November 28, 2014, the Town of Windsor (Windsor) filed a Petition for Permissive Intervention. Windsor has obligations related to the Poudre River Trail Corridor with respect to an intergovernmental agreement. Windsor expresses concerns that the new crossing as designed will expose the trail to an increased risk of flooding, erosion, siltation and deterioration, exposes trail users to steep grades, and exposes the trail corporation to claims of inaccessibility under the Americans with Disabilities Act. Windsor requests leave to intervene in this proceeding and requests an opportunity to participate as a party in interest.

5. The Commission 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 refer the Application to an Administrative Law Judge for disposition of the interventions and a determination of the merits of the Application.

II. ORDER

A. It Is Ordered That:

1. The application (Application) filed by the Great Western Railway Company of Colorado (GWRR) on October 22, 2014 requesting authority to construct a grade separated

pedestrian crossing of the Poudre River Pedestrian Path and to remove the existing at-grade pedestrian path for this same pathway with the tracks of the GWRR Greeley Subdivision at approximate railroad milepost 94.60, National Inventory No. 934035G, in the County of Weld, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. Proceeding No. 14A-1032R is referred to an Administrative Law Judge of the Colorado Public Utilities Commission for disposition of the interventions and determination of the merits of the Application.

3. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 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