

Decision No. C14-1461

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-1036R

THE GREAT WESTERN RAILWAY OF COLORADO, LLC (GWRCO) IS SUBMITTING THIS APPLICATION TO THE PUBLIC UTILITIES COMMISSION (PUC) FOR AN ORDER AUTHORIZING THE MODIFICATION OF AN EXISTING HIGHWAY-RAIL GRADE CROSSING. THE CROSSING WORK INCLUDES RECONSTRUCTION OF THE CROSSING SURFACE, ADDITION OF A SIDING TRACK, AND INSTALLATION OF AN ACTIVE GRADE CROSSING WARNING SYSTEM. THE CROSSING IS AT WELD COUNTY ROAD 23 (U.S. DOT# 245106Y), GREELEY SUBDIVISION MP-89.21, WELD COUNTY, COLORADO.

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

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 (GWRR) on October 22, 2014, requesting authority to install a siding track; new concrete crossing surfaces for both tracks; active warning equipment including flashing lights, gates, and bells; constant warning time detection circuitry; and advance warning signs and pavement markings at the crossing of Weld County Road 23 (WCR 23) with the tracks of the GWRR Greeley Subdivision at railroad mile post 89.21, National Inventory No. 245106Y, in the County of Weld, State of Colorado.

2. On October 24, 2014, GWRR provided an Amendment to the Application including additional names and addresses of those who may be interested or affected by the WCR 23 Application.

3. 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 October 28, 2014.

4. No interventions were filed in this matter.

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. GWRR is requesting authority to install siding track; new concrete crossing surfaces for both tracks; active warning equipment including flashing lights, gates, and bells; constant warning time detection circuitry; and advance warning signs and pavement markings at the existing crossing of WCR 23.

10. The crossing changes are proposed as part of a larger rail line rehabilitation project on the GWRR Greeley Subdivision. The project involves reconnecting the GWRR tracks with tracks of the Union Pacific Railroad Company to allow interchanging of train traffic between the two railroads. The project also involves the addition of a siding along the line, which includes the WCR 23 crossing.

11. GWRR states that there are approximately 2,200 vehicles per day with an estimated truck traffic percentage of 23 percent. There are currently no trains using the crossing.

With the implementation of this GWRR project, train volumes are estimated to be two trains per day traveling at a speed of ten miles per hour (MPH) through the crossing in the next five years, and an increase to four to five trains per day traveling at a speed of ten MPH through the crossing in the next ten years.

12. The estimated cost for the construction at the crossing is \$400,000 with the cost of the work being paid for by a railroad rehabilitation and improvement financing loan, GWRR funds, and funding agreements with existing customers serviced by GWRR.

13. GWRR proposes to start work in mid-March of 2015. Track construction is expected to take approximately 7 days to complete and signal construction will take approximately 14 days to complete. Tracks will be out of service during this time. GWRR will be required 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 April 30, 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.

14. We will require GWRR to update the crossing inventory form for this crossing showing the new siding track and active warning devices 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 April 30, 2015.

C. Conclusions

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

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

17. 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.

18. 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 Great Western Railway Company (GWRR) on October 22, 2014, requesting authority to install a siding track; new concrete crossing surfaces for both tracks; active warning equipment including flashing lights, gates, and bells; constant warning time detection circuitry; and advance warning signs and pavement markings at the crossing of Weld County Road 23 (WCR 23) with the tracks of the GWRR Greeley Subdivision at railroad mile post 89.21, National Inventory No. 245106Y, in the County of Weld, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The Application is granted.

3. GWRR is authorized and ordered to proceed with installing a siding track; new concrete crossing surfaces for both tracks; active warning equipment consisting of flashing lights, gates, and bells; constant warning time detection circuitry; and advance warning signs and pavement markings at the crossing of WCR 23 in Weld County.

4. GWRR 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 April 30, 2015. However, we understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

5. GWRR 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 April 30, 2015.

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
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