

Decision No. C19-0663

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0330R

IN THE MATTER OF THE APPLICATION OF THE COLORADO DEPARTMENT OF TRANSPORTATION TO REMOVE SIDING RAILROAD TRACKS ON STATE HIGHWAY 159 AT MILE POST 227.68 OF THE SAN LUIS & RIO GRANDE RAILROAD COMPANY IN FORT GARLAND, COLORADO.

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

Mailed Date: August 6, 2019
Adopted Date: July 31, 2019

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an application (Application) filed by the Colorado Department of Transportation (CDOT) on June 11, 2019, requesting authority to remove the siding track at the existing crossing of State Highway 159 (SH 159) with the tracks of the San Luis & Rio Grande Railroad Company (SLRG) at railroad mile post 33.58 of the Alamosa Subdivision, National Inventory No. 253482B, in the Town of Fort Garland, County of Costilla, 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 June 18, 2019.

3. There were no interventions filed in this matter.

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. CDOT requests authority to remove the siding track through the crossing of SH 159. CDOT states the siding track has not been used and that the rail for the siding has been removed along both sides of the track except for the portions that remain within the asphalt surface of SH 159. CDOT plans to resurface SH 159 later this summer and is working in cooperation with SLRG to replace the mainline crossing surface and desires to remove the siding crossing and replace the track area with asphalt surface at the time of the resurfacing project. CDOT proposes to remove the siding track, place 12” of Class 2 ABC, then place 6” of Class 6 ABC on top and finally pave the site with 5” HMASX (75) PG 58-28. The hot mix asphalt will consist of one bottom mat of 3” and one top mat of 2”. CDOT states that SLRG concurs with CDOT’s application for removal. The existing crossing has flashing lights only at the crossing that would remain.

9. Two injury accidents have occurred at the crossing in 1995 and 2009.

10. CDOT states the current traffic volume using the crossing is approximately 2,000 vehicles per day (VPD) based on a 2017 projection, and a posted speed limit of 35 miles per hour with approximately 20 percent heavy vehicles using the crossing and school buses using the crossing. Traffic is projected to increase to 2,100 VPD in 5 years and grow to 2,400 VPD in 20 years. There are currently no trains per day that use the siding at the crossing.

11. The estimated cost for the work at the crossing is \$53,000 for the track removal and roadway replacement with CDOT FASTER SAFETY funds paying for the project.

12. CDOT estimates that construction will begin on August 16, 2019 and will be complete by September 19, 2019. We will require CDOT 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 September 30, 2019. 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 CDOT 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 September 30, 2019.

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 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 Colorado Department of Transportation (CDOT) on June 11, 2019, requesting authority to remove the siding track at the existing crossing of State Highway 159 (SH 159) with the tracks of the San Luis & Rio Grande Railroad Company (SLRG) at railroad mile post 33.58 of the Alamosa Subdivision, National Inventory No. 253482B, in the Town of Fort Garland, County of Costilla, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The Application is granted.

3. CDOT is authorized and ordered to proceed with removal of the siding track and installation of pavement and resurfacing of the roadway at the crossing of SH 159 with the tracks of the SLRG in Fort Garland, Colorado.

4. CDOT 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 September 30, 2019. However, we understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

5. CDOT 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 September 30, 2019.

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
July 31, 2019.**

(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

JEFFREY P. ACKERMANN

FRANCES A. KONCILJA

JOHN GAVAN

Commissioners