

Decision No. C19-0766

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 19A-0426R

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IN THE MATTER OF THE APPLICATION OF THE COLORADO DEPARTMENT OF TRANSPORTATION, FOR AUTHORITY TO WIDEN US 50 ACROSS THE TRACKS, INCLUDING MEDIAN CURB MODIFICATIONS, RELOCATE ONE FLASHING LIGHT SIGNAL AND GATE, AND INSTALL A PEDESTRIAN SIDEWALK ACROSS THE TRACKS AT TRACKS OWNED BY UNION PACIFIC RAILROAD COMPANY, CROSSING US HIGHWAY 50, USDOT NO. 254-020N, IN DELTA COUNTY, STATE OF COLORADO.

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

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Mailed Date: September 19, 2019

Adopted Date: September 11, 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 August 1, 2019, requesting authority to widen the crossing of U.S. 50, make median and curb modifications, relocate one flashing light signal and gate, and install a pedestrian sidewalk across the tracks of the Union Pacific Railroad Company (UPRR) at railroad milepost 51.50 of the North Fork Subdivision, National Inventory No. 254020N, near the City of Delta, County of Delta, 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 2, 2019.

3. No interventions were 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 widen the crossing of U.S. 50, make median and curb modifications, relocate one flashing light signal and gate, and install a pedestrian sidewalk across the tracks of the UPRR. CDOT has identified a need to improve traffic flows and help alleviate traffic backing up onto the tracks from the signalized intersection approximately 370 feet south of the crossing. The widening of U.S. 50 will accommodate an additional southbound to eastbound turn lane to add additional storage capacity. CDOT is also proposing to add a pedestrian and bicycle path along the east side of U.S. 50 across the tracks given evidence of pedestrians crossing at this location with no pedestrian facilities and CDOT's desire to make this crossing safer. CDOT's proposed changes at the crossing will allow it to complete its desired capacity and safety objectives. Conduits are also proposed to be installed, which will allow for the installation of a queue cutter system should it be warranted in the future.

9. There have been two reported property damage only accidents at the crossing in 1981 and 1992.

10. CDOT states the current traffic volume using the crossing is approximately 15,000 vehicles per day (VPD) at a posted speed limit of 30 miles per hour (MPH) with

approximately 4.7 percent heavy vehicles using the crossing. School buses do use the crossing. Traffic is projected to increase to 15,400 VPD in 20 years. There are currently approximately 5 trains per day using the crossing at speeds of up to 25 MPH with no current projections of future train traffic growth.

11. The estimated cost for the work at the crossing is \$374,411 for the signal construction and civil engineering work with CDOT FASTER SAFETY funds paying for the cost of all improvements.

12. CDOT estimates that construction will begin on January 16, 2020 with construction being completed by August 19, 2020. CDOT 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 January 31, 2020 prior to the start of construction at the crossing. We will also 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 August 31, 2020. 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 August 31, 2020.

### **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 August 1, 2019, requesting authority to widen the crossing of U.S. 50, make median and curb modifications, relocate one flashing light signal and gate, and install a pedestrian sidewalk across the tracks of the Union Pacific Railroad Company (UPRR) at railroad milepost 51.50 of the North Fork Subdivision, National Inventory No. 254020N, near the City of Delta, County of Delta, 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 the widening of the crossing of US. 50 including median and curb modifications, relocation of one flashing light signal and gate, and installing a pedestrian sidewalk across the tracks of the UPRR in Delta, Colorado.

4. CDOT shall file a copy of the signed Construction and Maintenance Agreement for this project by January 31, 2020 prior to starting work at the crossing.

5. 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 August 31, 2020. However, we understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

6. 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 August 31, 2020.

7. 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.

8. The Commission retains jurisdiction to enter further decisions as necessary.

9. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
September 11, 2019.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

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FRANCES A. KONCILJA

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JOHN GAVAN

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Commissioners