

Decision No. C20-0066

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0716R

IN THE MATTER OF THE APPLICATION OF THE CITY OF LOVELAND, COLORADO FOR AUTHORITY TO ALTER THE AT-GRADE CROSSING OF THE BNSF RAILWAY COMPANY RAILROAD TRACKS AND 1ST STREET AT U.S. DOT CROSSING NO. 245035E IN THE CITY OF LOVELAND, LARIMER COUNTY, STATE OF COLORADO.

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

Mailed Date: January 31, 2020

Adopted Date: January 29, 2020

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an application (Application) filed by the City of Loveland (Loveland) on December 13, 2019, requesting authority to install sidewalks on both sides of the 1st Street crossing with the tracks of the BNSF Railway (BNSF) at railroad milepost 60.45, National Inventory No. 245035E, in Loveland, County of Larimer, 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 December 17, 2019.

3. There were no interventions filed in this matter.

4. The Commission has reviewed the Application and deems the Application complete within the meaning of § 40-6-109.5, C.R.S.

5. Now being fully advised in the matter, we grant the Application.

B. Findings of Fact

6. The Commission gave notice to all interested parties, including the adjacent property owners. No intervention was received opposing the Application.

7. Loveland proposes to add sidewalks to both sides of the crossing of 1st Street across the tracks of the BNSF. Loveland requests approval to add additional crossing panels to allow the sidewalk extensions through the crossing. The purpose of this project is to complete the gaps in sidewalks by extending the sidewalks through the crossing on both sides of the roadway to improve pedestrian safety when accessing the downtown area.

8. The proposed sidewalks will be constructed on the north and south sides of the existing crossing and will consist of 5' concrete sidewalks that will be detached and will be located behind the existing flashing light and gate mechanisms at the crossing. There will be the need for one additional crossing surface panel to be added to each side of the existing crossing to accommodate the new sidewalks. No additional changes are planned at the crossing other than the addition of the sidewalks.

9. Loveland states there are currently approximately 13,200 vehicles per day using 1st Street based on 2016 Colorado Department of Transportation counts with school buses using the crossing at a posted speed limit of 30 miles per hour (MPH). Loveland estimates 2 to 3 percent growth during the next 20 years. There are currently approximately 16 trains per day using the crossing at a maximum timetable speed of 25 MPH with no current estimates for future changes to train volumes at this time.

10. Loveland estimates the cost of the project for the crossing surface additions at \$42,000 with Loveland funds paying for the cost of the project.

11. Loveland proposes to start construction in the spring of 2021 and be completed with the project by early summer of 2021. Loveland will be required to file a copy of the signed Construction and Maintenance Agreement in this proceeding by March 31, 2021 prior to starting the sidewalk work at the crossing. Loveland will also be required to inform the Commission in writing that all work is complete and operational within ten days of completion. The Commission will expect this letter no later than August 31, 2021. 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.

C. Conclusions

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

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

14. Because the Application is unopposed, the Commission finds that it 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.

15. We find that good cause exists and that public safety will be improved by granting the Application consistent with the above discussion.

II. ORDER

A. The Commission Orders That:

1. The application (Application) filed by the City of Loveland (Loveland) on December 13, 2019, requesting authority to install sidewalks on both sides of the 1st Street

crossing with the tracks of the BNSF Railway at railroad milepost 60.45, National Inventory No. 245035E, in Loveland, County of Larimer, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The Application is granted.

3. Loveland is authorized and ordered to proceed with construction of the sidewalk on both sides of 1st Street in Loveland, Colorado.

4. Loveland shall file a copy of the signed Construction and Maintenance Agreement with the Commission by March 31, 2021 prior to starting any construction at the crossing.

5. Loveland shall inform the Commission in writing when the construction is complete and operational within ten days of completion. The Commission will expect the letter by August 31, 2021. However, the Commission understands this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

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
January 29, 2020.**

(S E A L)



ATTEST: A TRUE COPY



Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

FRANCES A. KONCILJA

JOHN GAVAN

Commissioners