

Decision No. C20-0418

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0630R

IN THE MATTER OF THE APPLICATION OF THE TOWN OF LASALLE FOR AUTHORITY TO REMOVE EXISTING ACTIVE WARNING DEVICES, PASSIVE WARNING SIGNS, CROSSING SURFACE, AND ROAD APPROACHES TO PERMANENTLY CLOSE THE EXISTING WALNUT STREET / 5TH AVENUE CROSSING (USDOT NOS. 804357M AND 922332R) AT TRACKS OWNED BY UNION PACIFIC RAILROAD COMPANY IN THE TOWN OF LA SALLE, COLORADO.

**COMMISSION DECISION GRANTING
MOTION FOR EXTENSION OF TIME**

Mailed Date: June 4, 2020

Adopted Date: June 3, 2020

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a Motion for Extension of Compliance Filing Deadline and Request for Waiver of Response Time (Motion) filed by the Town of LaSalle (LaSalle) on May 22, 2020, requesting an extension of time to August 31, 2020 to complete the project approved by the Commission in Decision No. C20-0021, mailed January 10, 2020, due to delays caused by the current novel coronavirus pandemic (COVID-19).

2. The Amended Application filed by LaSalle on November 25, 2019, stated the closing portion of the project would start by May 1, 2020 and be completed by May 31, 2020.

3. LaSalle is requesting to change the dates so that the closing portion of the project would start the week of June 8, 2020 and be complete by August 31, 2020.

4. As grounds for this request, LaSalle states that the Union Pacific Railroad Company (UPRR) is overseeing the construction work required to close the 5th Avenue crossing. Due to social distancing measures, stay-at-home orders and other logistical and labor difficulties resulting from COVID-19, UPRR has been operating with significantly reduced manpower and has not been able to begin construction work on the anticipated timeline. Additionally, the 5th Avenue crossing is proving to be particularly complex due to the state of the railroad ties and track underneath the crossing surfaces, which require additional UPRR manpower, which is currently in short supply. UPRR currently anticipates closing of the crossing the week of June 8, 2020. Because of the uncertainty of COVID-19, LaSalle is requesting a three-month extension to August 31, 2020 to complete the project and provide the National Inventory Update compliance filing.

5. Because LaSalle is the only party in this matter, LaSalle states there was no conference regarding the Motion and requests that response time to the Motion be waived.

6. The original Application was filed prior to the start of the effects of the COVID-19 on November 12, 2019, over which Colorado Governor Jared Polis declared a state of emergency.¹ In addition to the stated manpower shortage at UPRR due to COVID-19, we recognize that effective management of the challenges presented by COVID-19, given the timing of the original Application, additionally support the requested extension of time requested by LaSalle to complete closure of the 5th Avenue crossing by August 31, 2020.

7. We find that good cause exists to grant the Motion consistent with the above discussion.

¹ In this instance, given the timing of the filing of the initial Application and Governor Polis' declaration of a state of emergency, we recognize this declaration on our own motion. Any future filings should continue to specify whether COVID-19 considerations, or any other pertinent circumstances, support the requested action.

II. ORDER

A. The Commission Orders That:

1. The Motion for Extension of Compliance Filing Deadline and Request for Waiver of Response Time filed by the Town of LaSalle (LaSalle) on May 22, 2020, requesting an extension of time to August 31, 2020 to complete the project approved by the Commission in Decision No. C20-0021, mailed January 10, 2020, due to delays caused by the current novel coronavirus pandemic (COVID) is granted.

2. The completion of the 5th Avenue crossing shall be expected by August 31, 2020. However, we understand that due to COVID-19, this project may be completed later than August 31, 2020. An additional extension of time will not be required by LaSalle for the project.

3. We will also expect the updated National Inventory Form to be filed in this manner upon completion of the crossing closure.

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

5. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 3, 2020.**

(S E A L)



ATTEST: A TRUE COPY



Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

JOHN GAVAN

MEGAN M. GILMAN

Commissioners