

Decision No. C20-0548

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0260R

IN THE MATTER OF THE APPLICATION OF UNION PACIFIC RAILROAD COMPANY FOR AUTHORITY TO UPGRADE CROSSING CIRCUITRY AT THE CROSSING OF UNION PACIFIC RAILROAD COMPANY'S TRACKS ON THE LIMON SUBDIVISION LOCATED AT M.P. 632.59, U.S. DOT #804638W, LOCATED IN THE CITY OF DENVER, COUNTY OF DENVER, STATE OF COLORADO.

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

Mailed Date: August 3, 2020

Adopted Date: July 29, 2020

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an application (Application) filed by the Union Pacific Railroad Company (UPRR) on June 15, 2020, requesting to change the detection upgrades to AC/DC, Ring-10 style circuits, and the crossing of Ulster Street with the UPRR Limon Subdivision, railroad milepost 632.59, National Inventory No. 804638W in the City and County of Denver, 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 June 18, 2020.

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. 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. UPRR requests authority to upgrade the train detection circuitry at the crossing of Ulster Street with no preemption time or roadway modifications.

8. As grounds, UPRR is modernizing detection circuitry and wants to upgrade this crossing from an island detection circuit to a train detection track circuit to modernize the crossing and maintain safety. The existing stop and proceed operations will change to more traditional train operations whereby the train will be detected further from the crossing to allow advanced preemption to run prior to the train entering the crossing.

9. UPRR states in its Application there are currently approximately 3 freight trains per day on UPRR tracks at a timetable speed of 40 miles per hour and approximately 146 commuter rail trains per day on the Regional Transportation District tracks. UPRR states that based on the latest vehicle volume information in the National Inventory Form from 2011, there are 1,927 vehicles per day using the crossing at 25 miles per hour with approximately 5 percent heavy vehicles.

10. There have been two injury accidents at this crossing since 1975.

11. UPRR does not provide a cost estimate for the proposed changes since UPRR will be fully responsible for the proposed changes, and no changes to the roadways and signal equipment at the crossings or timings will be made with the exception of the train detection circuitry. Given the limited nature of the changes proposed at the crossings, we will allow the omission of this information.

12. UPRR intends to start this project immediately upon approval by the Commission with completion of the project 30 days after approval of the Application.

C. Conclusions

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

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

15. 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, 4 *Code of Colorado Regulations* 723-1 of the Rules of Practice and Procedure.

16. We find that good cause exists and that the requirements of public safety are met by granting the Application consistent with the above discussion.

17. UPRR shall inform the Commission in writing when the project is complete and operational within ten days of completion. The Commission will expect this letter on or before September 15, 2020.¹

18. UPRR shall provide an updated crossing inventory for the changed crossing conditions and shall file a copy of the updated crossing inventory form with the Commission concurrent with notice to the Commission of completion of the crossing work initially expected by September 15, 2020.

¹ The Commission understands there may be changes or delays in the construction schedule. While a request for extension is not required in the event completion of the construction project goes past September 15, 2020, UPRR should inform the Commission through an appropriate filing if delays are anticipated or significant.

II. ORDER

A. The Commission Orders That:

1. The application (Application) filed by the Union Pacific Railroad Company (UPRR) on June 15, 2020, requesting to change the detection upgrades to AC/DC, Ring-10 style circuits, and the crossing of Ulster Street with the UPRR Limon Subdivision, railroad milepost 632.59, National Inventory No. 804638W in the City and County of Denver, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The Application is granted.

3. UPRR is authorized and ordered to upgrade the train detection circuitry at the crossing at Ulster Street in the City and County of Denver, Colorado.

4. UPRR shall inform the Commission in writing when the detection circuitry changes are complete within ten days of completion. The Commission will expect the letter by September 15, 2020. However, the Commission understands this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

5. UPRR shall update the National Inventory Form for this crossing and file a copy of the updated crossing inventory forms in this proceeding by September 15, 2020.

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 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

JOHN GAVAN

MEGAN M. GILMAN

Commissioners