

Decision No. C20-0894

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0461R

IN THE MATTER OF THE APPLICATION OF THE CITY OF GREELEY FOR AUTHORITY TO DESIGN AND IMPLEMENT HIGHWAY-RAIL GRADE CROSSING SAFETY IMPROVEMENTS ON THE GREAT WESTERN RAILWAY OF COLORADO, LLC AT ELEVENTH AVENUE (DOT NO. 245130A) IN THE CITY OF GREELEY, WELD COUNTY, COLORADO.

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

Mailed Date: December 16, 2020

Adopted Date: December 16, 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 Greeley (Greeley) on October 30, 2020, requesting authority to add gates to the existing flashing lights, cantilever lights, and bells, and to construct the sidewalk on the east side of the street through the crossing at the crossing of 11th Avenue with the Great Western Railway of Colorado (GWR) at railroad milepost road 97.96 on the Greeley Subdivision, National Inventory No. 245130A in Greeley, County of Weld, 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 November 3, 2020.

3. There were no interventions 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. Greeley is requesting authority to add gates to the existing crossing of 11th Avenue with the GWR. The existing crossing currently has active warning devices consisting of flashing lights, cantilever signals, and bells. The existing crossing also has attached sidewalk on the east side of the roadway that stops short of the crossing. Greeley requests to extend this sidewalk through the crossing as a detached sidewalk.

8. Greeley is in the process of implementing safety improvements at the highway-rail grade crossings along this GWR corridor. At this specific crossing, Greeley wants to add gates to the existing active warning signals, install concrete barriers to eliminate access between the gates, and add crossing surface panels on the east side to accommodate the sidewalk extension through the crossing as a detached sidewalk around the back of the new gate mechanism. Signage and pavement markings will be installed per the Manual on Uniform Traffic Control Devices.

9. Greeley states there are approximately 9,801 vehicles per day (VPD) as of 2019 with approximately 1.7 percent trucks and school buses using the crossing at a posted speed limit of 30 miles per hour (MPH). This traffic volume is estimated to grow to 10,301 VPD within five-years and 11,959 VPD within twenty-years. There are currently approximately four trains

per day, two thru movements and two switching movements, using the crossing at a maximum speed of 10 MPH with no estimates for increases or decreases in the future.

10. Greeley estimates the cost of the civil engineering elements of the project at \$281,797.95 and the railroad signal costs at \$70,641.21. Greeley will be responsible for all project costs.

11. Greeley proposes to start construction in October 2020 and be complete by December 2020, but this should be later given the date the Application was filed.

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 the requirements of public safety are met by granting the Application consistent with the above discussion.

16. Greeley shall inform the Commission in writing when the crossing construction is complete and operational within ten days of completion. The Commission will expect this letter on or before March 31, 2021¹

17. GWR 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 March 31, 2021.

II. ORDER

A. The Commission Orders That:

1. The application (Application) filed by the City of Greeley (Greeley) on October 30, 2020, requesting authority to add gates to the existing flashing lights, cantilever lights, and bells, and to construct the sidewalk on the east side of the street through the crossing at the crossing of 11th Avenue with the Great Western Railway of Colorado (GWR) at railroad milepost road 97.96 on the Greeley Subdivision, National Inventory No. 245130A in Greeley, County of Weld, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The Application is granted.

3. Greeley is authorized and ordered to proceed with changes at the existing crossing of 11th Avenue with the GWR consisting of addition of gates and extension of the sidewalk around the back of the new gate on the east side of the crossing.

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 March 31, 2021, Denver should inform the Commission through an appropriate filing if delays are anticipated or significant.

4. Greeley is required to inform the Commission in writing that the crossing changes are complete and operational within ten days after completion.

5. GWR shall update the crossing inventory form showing the changed crossing conditions and file a copy of that updated inventory form in this proceeding concurrent with notice of completion of the crossing changes.

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
December 16, 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 C. GAVAN

MEGAN GILMAN

Commissioners