

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0384R

IN THE MATTER OF THE JOINT APPLICATION OF THE ROARING FORK TRANSPORTATION AUTHORITY AND THE TOWN OF CARBONDALE, COLORADO TO RECLASSIFY THE EXISTING PRIVATE CROSSING AS A PUBLIC CROSSING AT 4TH STREET IN THE TOWN OF CARBONDALE, GARFIELD COUNTY, COLORADO (DOT #254377D).

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

Mailed Date: October 4, 2023
Adopted Date: September 27, 2023

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an Application (Application) filed jointly by the Roaring Fork Transportation Authority (RFTA) and the Town of Carbondale (Carbondale) (collectively Joint Applicants) on July 26, 2023, requesting authority to convert the private crossing of the RFTA railbanked corridor, National Inventory No. 254377D, to a public crossing of 4th Street in Carbondale, Garfield County, State of Colorado.

2. On August 7, 2023, Staff of the Commission sent a deficiency letter requesting specific addresses for the public utilities in the vicinity of the crossing.

3. On August 9, 2023, the Joint Applicants provided the requested information.

4. Notice of the Application was provided by the Commission to all interested parties, including adjacent property owners pursuant to § 40-6-108(2), C.R.S., on August 14, 2023.

5. There were no interventions in this matter.

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

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

B. Findings of Fact

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

9. The Joint Applicants request to convert the private crossing of the RFTA railbanked corridor at milepost 372.88 to a public crossing for the 4th Street roadway. The Carbondale Board of Trustees Meeting Minutes for April 12, 2022 (included as an exhibit to the Application) recorded that the Joint Applicants wanted to seek to make the 4th Street crossing a public crossing. After a motion to authorize and a second, the Board voted with seven yes votes authorizing the mayor to execute documents necessary for the Joint Application to convert the RFTA right-of-way to a public crossing. The subject crossing is railbanked with the rail removed and is being used as a paved public trail for public non-motorized travel and enjoyment. Because the crossing is currently not being used for railroad purposes, the Joint Applicants state that no changes to the crossing are currently necessary and propose that no grade crossing warning signs be posted at this time.

10. The Joint Applicants state that there are currently no public traffic counts for the crossing, but notes that school buses do not use the crossing. Vehicles are limited to a speed of 15 miles per hour across the crossing. There will be no costs associated with the proposed private to public crossing conversion.

11. The Joint Applicants will be required to file a copy of the National Inventory Form updating the inventory form showing the new roadway name and changing the crossing to public. We will require RFTA to file a copy of this updated form by Number for the public crossing and to file a copy of the National Inventory Form in this proceeding by November 30, 2023.

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, 4 *Code of Colorado Regulations* 723-1.

15. Based on the Findings of Fact, we find good cause exists and 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 jointly by the Roaring Fork Transportation Authority (RFTA) and the Town of Carbondale (Carbondale) (collectively Joint Applicants) on July 26, 2023, requesting authority to convert the private crossing of the RFTA railbanked corridor, National Inventory No. 254377D, to a public crossing of 4th Street in Carbondale, Garfield County, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The Application is granted.
3. The Joint Applicants are authorized and ordered to proceed with conversion of the crossing of the RFTA railbanked corridor at 4th Street in Carbondale.
4. RFTA will be required to update the National Inventory Form to show the new street name and that the crossing is public and to file a copy of the updated National Inventory Form in this proceeding by November 30, 2023.
5. 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.
6. The Commission retains jurisdiction to enter further orders as necessary.
7. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 27, 2023.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners