

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 11A-338R

IN THE MATTER OF THE APPLICATION OF UNION PACIFIC RAILROAD COMPANY, FOR AUTHORITY TO CLOSE AND ABOLISH THE HIGHWAY-RAILROAD AT-GRADE CROSSING AT COLUMBINE STREET BETWEEN EAST 43RD AND EAST 40TH AVENUES, OF THE UNION PACIFIC RAILROAD COMPANY (U.S. DOT #804624N) AT MILE POST 637.50 ON THE LIMON SUBDIVISION IN THE CITY AND COUNTY OF DENVER, COLORADO.

**COMMISSION DECISION GRANTING
MOTION TO AMEND APPLICATION**

Mailed Date: April 11, 2014
Adopted Date: April 9, 2014

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a Motion to Amend the Application, Extend Time Limits, and Request to Waive Response Time (Motion) filed by the Union Pacific Railroad Company (UPRR) on March 26, 2014, requesting authority to modify the manner approved by the Commission by Decision No. R11-1000, mailed September 15, 2011, in which the Columbine Street crossing is closed.

2. By Decision No. R11-1000, the Commission required that existing crossing surfaces and the roadway between the Type III Barricades and the crossing be removed by March 31, 2012. If UPRR was unable to complete the work by this date, UPRR was to file a status report.

3. In its July 12, 2012 status report, UPRR informed the Commission that construction of a turnaround that was to be constructed south of the crossing was preventing

UPRR from completing the crossing closure. UPRR requested an extension of time from the Commission to complete the crossing closure of 90 days after completion of the turnaround. The Commission granted this extension of time by Decision No. C12-0931, mailed August 10, 2012.

4. In its January 14, 2013 interim report, UPRR reported that the property necessary for the turnaround had been acquired on October 31, 2013, and that the hammerhead design was not necessary. UPRR informed the Commission that temporary barricades had been placed both north and south of the crossing with “Road Closed” signs attached to the barriers. UPRR also informed the Commission that a new connector road on the north side of the tracks was being constructed. These items taken together would prevent the public from going across the crossing and give the public a way to turnaround. Additionally, the crossing surface panels had been removed, and the asphalt was to be removed when crews were able to do so consistent with construction schedules. Finally, the report stated that Type IV barricades and permanent signage would be installed. UPRR requested an additional 12 months time to complete the crossing closure to January 29, 2014. The Commission granted this extension of time by Decision No. C13-0389, mailed April 5, 2013.

5. In its Motion, UPRR states that recent discussions with the City and County of Denver regarding the barricades and permanent signage as well as construction delays in the area have resulted in agreements between the parties to upgrade the barriers to Type 7 barricades. UPRR also requests an additional 90 days to install the barricades and signs.

6. UPRR has conferred with counsel for the Regional Transportation District, Xcel Energy, the City and County of Denver, and 4215 Columbine Street, LLC (all parties to this proceeding) and is authorized to advise the Commission that there are no objections to the

changes being requested in the Motion. UPRR requests that response time to the Motion be waived.

7. Given that the parties have conferred on the new proposed road barricades and the and work to finish the crossing closure appears to be close to completion, we will grant UPRR's Motion and alter our decision on this matter under § 40-6-112, C.R.S. UPRR is authorized to install a Type 7 barricade to complete the road closure of the Columbine Street crossing, grant an additional 90 days for UPRR to complete the work necessary to close the Columbine Street crossing, and waive response time to the Motion.

II. ORDER

A. The Commission Orders That:

1. The Motion to Amend the Application, Extend Time Limits, and Request to Waive Response Time is granted.

2. The Union Railroad Company (UPRR) is authorized to use a Type 7 barricade as opposed to a Type IV barricade as part of the closure of the Columbine Street crossing.

3. UPRR is granted an additional 90 days until July 8, 2014 to file notice of completion of the permanent crossing closure with the Commission.

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
April 9, 2014.**

(S E A L)



ATTEST: A TRUE COPY



Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners