

Decision No. C24-0833

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0388R

IN THE MATTER OF THE APPLICATION OF THE TOWN OF MINTURN, FOR
AUTHORITY TO INSTALL A SIDEWALK AT CROSSING #253532C MILEPOST 0302.93 IN
MINTURN, COLORADO, EAGLE COUNTY, STATE OF COLORADO.

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

Issued Date: November 15, 2024

Adopted Date: November 6, 2024

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an Application (“Application”) filed by the Town of Minturn (“Minturn”) on September 13, 2024, for an order authorizing the installation of an asphalt pedestrian path at an existing at-grade crossing of Railroad Ave with the existing tracks owned by Union Pacific Railroad Company ("UPRR") that are currently out-of-service, at railroad milepost 301.62, National Inventory No. 253531V, in the town of Minturn, Eagle County, State of Colorado.

2. 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 September 27, 2024.

3. No interventions were filed in this matter.

4. The Commission reviewed the record in this matter and deems the Application 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 contesting or opposing the Application.

7. Minturn requests authority for the installation of an asphalt pedestrian path at an existing at-grade crossing of Railroad Ave with the existing tracks owned by UPRR that are currently out-of-service in Minturn, Colorado. Improvements to the crossing are needed to improve pedestrian safety and meet Americans with Disabilities Act standards. The pedestrian path is proposed to be seven and a half feet-wide and four-inch-thick asphalt. Passive warning signage at the crossing will remain the same.

8. The most recent traffic volume at the subject crossing is 300 vehicles per day (“VPD”) including six per cent heavy vehicles. No school buses use the crossing. The posted speed limit at the crossing is 15 miles per hour (“MPH”). There are currently no trains per day that use the crossing with no projections for future use at this time.

9. Minturn estimates the cost of the project at \$12,157.84. Minturn will cover the cost of this work through a CDOT Revitalizing Main Street program grant.

10. Minturn proposes to start the installation of the pedestrian path at the crossing in October 2024. Minturn will be required to inform the Commission in writing that all work is complete within ten days of completion. The Commission will expect this letter no later than May 1, 2025. However, the Commission understands this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

11. UPRR will be required to update the US DOT Crossing Inventory Form for the crossing. This updated form will need to be filed in this proceeding by UPRR by May 1, 2025.

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 upgrade of the at-grade crossing.

14. Because the Application is unopposed, the Commission 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. Based on the Findings of Fact, the Application is granted consistent with the discussion above.

II. ORDER

A. The Commission Orders That:

1. The Application (“Application”) filed by the Town of Minturn (“Minturn”) on September 13, 2024, for an Order authorizing the installation of an asphalt pedestrian path at an existing at-grade crossing of Railroad Ave with the existing tracks owned by Union Pacific Railroad Company (“UPRR”) that are currently out-of-service, at railroad milepost 301.62, National Inventory No. 253531V, in the town of Minturn, Eagle County, State of Colorado is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. The Application is granted.

3. Minturn is authorized and ordered to proceed with the installation of an asphalt pedestrian path at the at-grade crossing.

4. Minturn is required to inform the Commission in writing that the construction is complete within ten days after completion. We shall expect this letter by May 1, 2025. However, we understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

5. UPRR is required to file the updated National Inventory Form for the at-grade crossing in this proceeding and file the updated form in this proceeding by May 1, 2025.

6. The 20-day period provided for in § 40-6-114, C.R.S., within which to file an Application 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 upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
November 6, 2024.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners