

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24A-0517R

IN THE MATTER OF THE APPLICATION OF COLORADO PACIFIC RIO GRANDE RAILROAD FOR AUTHORITY TO CHANGE A GRADE CROSSING LOCATION, BROWNS DRIVE, NEAR SOUTH FORK, RIO GRANDE COUNTY, STATE OF COLORADO.

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

Issued Date: January 22, 2025

Adopted Date: January 15, 2025

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of an Application (“Application”) filed by Colorado Pacific Rio Grande Railroad LLC (“CXRG”) on November 26, 2024, for an order authorizing the changing of the location of the crossing of Browns Drive with the tracks owned by CXRG, at railroad milepost 297.92, National Inventory No. 253931N, in the Town of South Fork (“South Fork”), Rio Grande 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 December 5, 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. CXRG requests authority to change the location of the private at-grade crossing of Browns Drive with the tracks owned by CXRG in South Fork, Colorado. South Fork desires to relocate the existing campground entrance and grade crossing of Browns Drive to the east for reasons associated with public access and safety. South Fork has been working to accomplish the relocation with Colorado Department of Transportation and CXRG.

8. The crossing surface and road approaches to the existing crossing will be removed by CXRG, as well as the passive warning signs. Browns Drive and the new proposed grade crossing will both be moved 480 feet east of the existing crossing to align with the existing Bonnaville Drive on the south side of Highway 160. Passive warning signs at the relocated crossing will include Crossbucks, YIELD signs, ENS signs, and W10-1 and W10-2 advance warning signs.

9. CXRG states that most recent traffic volume at the subject crossing as of 1981 is 5 vehicles per day ("VPD"). None of this traffic volume is estimated to be heavy vehicles. No school buses use the crossing. The unposted speed limit at the crossing is 10 miles per hour ("MPH"). There were no five- or 20-year traffic volumes provided. There is currently 1 train per week as of 2023 that uses the crossing at a maximum timetable speed of 10 MPH with no anticipated changes in train volume in the future.

10. There have been no accidents at the crossing since 1975.

11. South Fork estimates the cost of the work to be \$258,956.24. CXRG will cover the cost of sign removal and crossing closure at the existing crossing and estimates the cost to be \$5000. South Fork will cover the remainder of the costs of the project.

12. CXRG proposes to start the project on approval of the Application and anticipates being complete with the work by May 1, 2025. CXRG 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.

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

C. Conclusions

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

15. 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.

16. 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 Colorado Pacific Rio Grande Railroad, LLC (“CXRG”) on November 26, 2024, for an order authorizing the changing of the location of the crossing of Browns Drive with the tracks owned by CXRG, at railroad milepost 297.92, National Inventory No. 253931N, in the Town of South Fork (“South Fork”), Rio Grande County, State of Colorado, is deemed complete within the meaning of § 40-6-109.5, C.R.S., and is granted.

2. CXRG is authorized and ordered to proceed with the changing of the location of the crossing of Browns Drive with the tracks owned by CXRG.

3. CXRG is required to inform the Commission in writing that the work 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.

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

5. 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.

6. The Commission retains jurisdiction to enter further decisions as necessary.

7. This Decision is effective upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 15, 2025.**

(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