

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 06A-600R

IN THE MATTER OF THE COLORADO DEPARTMENT OF TRANSPORTATION, FOR AUTHORITY TO INSTALL NEW FLASHING LIGHT SIGNALS WITH AUTOMATIC GATE ARMS AND INTERCONNECT CIRCUITRY AT THE CROSSINGS OF THE SAN LUIS AND RIO GRANDE RAILROAD'S TRACK AT U.S. HIGHWAY 285, ROSS ST., STATE ST., AND CLOSE THE AT-GRADE CROSSING AT HUNT ST., THAT ARE SOUTH OF THE NEW U.S. 160 EAST BOUND (6TH ST.), CITY OF ALAMOSA, ALAMOSA COUNTY, COLORADO.

**COMMISSION ORDER DEEMING APPLICATION
COMPLETE, PARTIALLY GRANTING APPLICATION,
AND REFERRING SPECIFIC MATTERS TO AN
ADMINISTRATIVE LAW JUDGE**

Mailed Date: December 14, 2006
Adopted Date: December 13, 2006

A. BY THE COMMISSION

1. Statement

1. This matter comes before the Public Utilities Commission (Commission) for consideration of an application filed on October 31, 2006 by the Colorado Department of Transportation (CDOT) with concurrence from the San Luis and Rio Grande Railroad (SLRG), requesting authority to install new LED flashing light signals with automatic gate arms, bells, constant warning time circuitry, new control cabins, ten foot medians, new concrete crossing surfaces and interconnection to the traffic signals on both the new eastbound and westbound US 160 at the crossings of the SLRG with US 285, National Inventory No. 253850N, Ross Street, National Inventory No. 253499E, and State Street, National Inventory No. 253498X, and to close the crossing of SLRG with Hunt Street, National Inventory No. 253497R in Alamosa, Colorado.

2.The Commission gave notice of this application to all interested parties, including adjacent property owners in accordance with § 40-6-108(2), C.R.S. The Notice was mailed November 2, 2006.

3.On November 7, 2006, CDOT's attorney filed an Entry of Appearance.

4.On November 20, 2006, the Commission received a letter from the City of Alamosa to make the Commission aware of its concern with the closing of Hunt Street.

5.On November 27, 2006, CDOT filed an amended application amending specific paragraphs in the original application.

6.On November 29, 2006, the Commission received a letter from the Community Organization of South Alamosa (COSA) protesting the closing of Hunt Street.

7.The proposed crossing safety improvements will not involve any roadway construction other than that necessary to install the crossing signals and medians. CDOT states the roadway profiles will not change. CDOT also commits that all signing and striping will be installed in accordance with provisions of the Manual on Uniform Traffic Control Devices (MUTCD). Because of the scope of work for this project, CDOT does not provide detailed plans and profile drawing pursuant to Commission Rules 4 *Code of Colorado Regulations* (CCR) 7204(b)(XII) and (XIII). Our Rule 7204(b) allows an applicant to omit required information the applicant believes is excessive compared to the scope of the proposed project provided the application specifically justifies the omission. Given the scope of the safety improvements for this project and CDOT's commitment to follow the MUTCD, we agree with CDOT that the detailed plans and profile drawing are not necessary for this application.

8.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.

2. Findings of Fact

9.The Commission gave notice to all interested parties, including the adjacent property owners. No intervention was received opposing the construction of crossing improvements at US 285, Ross Street, or State Street. However, two letters expressing concern and protesting the closing of Hunt Street were filed.

10.CDOT is currently undertaking a project to change US 160 from a two-way roadway to a pair of one-way roadways. The existing US 160 will become the westbound one-way roadway for US 160, and the existing 6th Street will become the new eastbound one-way roadway for US 160. The close proximity of 6th Street to the subject crossings necessitates the proposed crossing changes under 23 Code of Federal Regulations 646.214 (b)(2). Ross Street, State Street and Hunt Street are all City of Alamosa Streets.

11.CDOT proposes to upgrade on US 285, and install on Ross Street and State Street, new LED flashing light signals with automatic gate arms, bells, constant warning time circuitry, new control cabins, and interconnection to the traffic signals on both the new eastbound and westbound US 160. The existing cantilever lights on US 285 are proposed to be removed. Ten foot wide medians will be constructed on all three streets. New concrete crossing surfaces are proposed to be installed at the crossings that do not currently have them. The proposed crossing improvements are part of the Federal Section 130 railroad/highway hazard elimination program.

12.CDOT states the current average daily traffic volume using the crossings are as follows: 12,900 vehicles per day (VPD) at US 285, 1,400 VPD at Ross Street, 6,200 VPD

at State Street, and 990 VPD at Hunt Street. Estimated growth at the crossings by 2011 is as follows: 14,480 VPD at US 285, 1,580 VPD at Ross Street, 6,980 VPD at State Street, and 1,120 VPD at Hunt Street if it remains open. SLRG currently runs approximately 16 to 18 trains per day through the crossing at 10 MPH or less because the streets cross the SLRG rail yard. No projection for future train traffic growth is discussed.

13.CDOT states the estimated costs for the entire US 160 project are \$13.5 million. The estimated cost for the crossing improvements on US 285, Ross Street and State Street is \$1,375,560. Federal Section 130 funds will pay for 100% of eligible costs and CDOT funds will pay for non-participating and indirect costs. CDOT requests to late-file copies of the finalized construction and maintenance contracts.

14.CDOT states crossing signal work is proposed to begin in the spring of 2007 and be completed by October of 2008.

15.CDOT will maintain, at its expense, the roadway approaches, signing and striping of US 285. The City of Alamosa will maintain, at its expense, roadway approaches, signing and striping to the crossings at Ross Street and State Street. SLRG will maintain, at its expense, its track, appurtenances, and warning devices.

16.Two letters regarding the closure of Hunt Avenue were received as part of this docket. The City of Alamosa's letter expresses its concerns with the proposed closure of Hunt Street. The COSA letter protests the closure of Hunt Street.

3. Conclusions

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

18.No intervenor that filed a petition to intervene or other pleading that contest or opposes the application for the crossing signal upgrades of US 285 or the new crossing signal installations at Ross Street and State Street.

19.The City of Alamosa and COSA have filed letters stating concerns and protesting the closure of Hunt Street.

20.Because the application regarding the upgrade of the crossing signals at US 285 and the installation of new crossing signals at Ross Street and State Street 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 CCR 723-1. The Commission will refer the issue of the proposed closure of Hunt Street and any issues associated with the proposed closure to an administrative law judge for determination of the merits.

B. ORDER

1. The Commission Orders That:

1.This application is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2.The application filed by the Colorado Department of Transportation (CDOT) with concurrence from the San Luis and Rio Grande Railroad (SLRG) is granted for the proposed crossing changes of the tracks of the SLRG with US 285, Ross Street, and State Street.

3.CDOT is authorized and ordered to proceed with construction of the crossing improvements consisting of new LED flashing light signals with automatic gate arms, bells, constant warning time circuitry, new control cabins, ten foot medians, new concrete crossing surfaces and interconnection to the traffic signals on both the new eastbound and

westbound US 160 at the crossings of SLRG at US 285, National Inventory No. 253850N, Ross Street, National Inventory No. 253499E, and State Street, National Inventory No. 253498X.

4.CDOT is required to late-file copies of the finalized construction and maintenance contracts for US 285, Ross Street and State Street by May 12, 2007.

5.CDOT is required to inform the Commission in writing that the signal upgrade and new signal installations are complete and operational within ten days after completion. We shall expect this letter around October 31, 2008. However, we understand this letter may be provided earlier or later than this date depending on changes or delays to the construction schedule.

6.CDOT is required to maintain the approaches to the crossing surface up to the outside end of the ties and signing and striping of US 285 at its expense pursuant to Rule 7211(c).

7.The City of Alamosa is required to maintain the approaches to the crossing surface up to the outside end of the ties and signing and striping of Ross Street and State Street at its expense pursuant to Rule 7211(c).

8.SLRG is required to maintain the crossing surfaces, warning devices, track, and appurtenances at its expense pursuant to Rule 7211(a).

9.The issue regarding the proposed closing of Hunt Street, National Inventory No. 253497R, and any issues that may arise associated with that proposed closure are assigned to an administrative law judge.

10.The assigned administrative law judge shall establish a procedural schedule for the filing of exhibit and witness lists, any pre-filed testimony, public hearings, and hearing date.

11. The Commission retains jurisdiction to enter further required orders.

12. This Order is effective on its Mailed Date.

**2. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 13, 2006.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners