

July 19, 2016

Colorado Public Utilities Commission

Dear Sir or Madam,

I am opposed to restricting or closing the railroad crossing at 1st avenue and Emery Street in Longmont.

On July 18, 2016, Longmont city staff will discuss with city council the idea of closing the Emery Street Railroad Crossing at First Avenue for the purpose of a proposed development of the prior Butterball property to add 315 living units and 10,500 sq ft of commercial space close to, rather than farther from the Railroad tracks.

This Railroad has NEVER divided the city. In contrast this city came later and surrounded the Railroad and now wishes to choke it. In fact, this is exactly how steering new zoning and development is steered towards choking long established old developments.

Size of this proposed development and its access issues should be required to be limited and engineered to a maximum size and design so it can continue to work how, and as well as it currently does for ALL of its surrounding neighborhood and also work for itself. This could plausibly be done via crafty and improvising engineering that might even direct its traffic (at least the bulk of it) away from Emery Street and its crossing rather than towards it. It is important to note that the prior owner(s) of that property had about 900 employees and many many visitors and trucks hauling product both in and out (many via this crossing) daily without outcry for addressing changes, repairs or closing of this crossing.

I own property (for over 33 years) adjacent to the SE corner of U S 287 at 1st avenue. I also own two different and separate properties east of it adjacent to 1st avenue.

During 1994, Longmont upgraded this intersection during a project identified as an alternative truck bypass to the railroad crossings on 3rd avenue and on Main Street (U S 287). The project required a hearing before the P U C. Parties to the hearing included CDOT, Burlington SantaFe Railroad, the city of Longmont and an Administrative Law Judge presided. The city's plans were approved. Construction went forward with deviations from the judge's approval and has since reconstructed it with major deviations from that judge's approval.

I was denied my untimely request to become an intervener however, the Administrative Law Judge (I believe it was Judge Fritzel) allowed me to be heard.

I was informed that my property adjacent to U S 287 must be lawfully provided "reasonable access" to U S 287 at minimum of right in-right out with absolutely no right of left in- left out.

That project widened U S 287 for addition of the first ever northbound right turn lane onto eastbound 1st avenue.

Right turn from my driveway onto U S 287 northbound requires entering the first lane (this turn lane) then to properly signal, accelerate then merge left into the next lane. This is not possible because radius of this turn lane onto 1st avenue begins less than 30 feet (just over 1 car length) after entering it from my driveway. During and

separate of this hearing, the parties indicated that “reasonable access” to to northbound U S 287 from my property would be as follows;

First,,,, exit this driveway by turning right into the first northbound lane (this new turn lane).

Second,,,, follow this turn lane onto eastbound 1st avenue and go east to emery street.

Third,,,, turn left onto northbound emery street and follow it to 2nd avenue.

Fourth,,,, turn left onto 2nd avenue westbound and follow it to U S 287.

Fifth,,,, turn left or right at the light on 2nd and US 287.

The above demands 100% dependence of 1st avenue, emery street and 2nd avenue to lawfully access northbound U S 287 from my driveway. This ¼ mile trip is called “reasonable access”. I believe the decision of the administrative law judge must continue to prevail and that any impact or change of my access to U S 287 via those 3 streets would alter the intent of that judges decision and therefore any such change to those streets would require hearing for approval(s) by him or another judge.

Emery street has been an important path for emergency response during accidents closing the intersection of 1st avenue and U S 287 and for many reasons otherwise. In fact, it will be used as an important alternative next week during closure of that intersection for reconstruction. Once emery street was an alternative while police closed the overpass and all other streets visible from just north of and including 1st avenue and U S 287 due to a man carrying a gun just a bit west of 1st and U S 287.

It is important to note that properties along 1st avenue require an alternative to the intersection of 1st and U S 287 and emery street provides just that. Over the years, rather than utilizing street ROW's that were platted within the S E quadrant of 1st and U S 287 for that alternative, the city blighted itself by vacating them to adjacent property owners like free candy, or for favors, and now yet other property owners may have to pay the price for that by restricted access known as access blight.

All properties along 1st avenue and emery street ROW's are included in the special taxing district (Longmont Downtown Development Authority) which in part, was formed to help repair and curb blight from within this district, NOT further spread it.

These are only a few of many issues that I believe are very important to consider.

Best Regards,

Clyde loerger

22 Main St. Unit A, Longmont CO 80501

ph 303-772-6545, cell 720-561-0427