

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 02A-431R

IN THE MATTER OF THE COLORADO DEPARTMENT OF TRANSPORTATION, FOR
AUTHORITY TO INSTALL NEW FLASHING LIGHT SIGNALS AND AUTOMATIC GATE
ARMS, AT THE CROSSING OF THE KYLE RAILROAD TRACKS AT STATE HIGHWAY
59, TOWN OF SEIBERT, KIT CARSON COUNTY, COLORADO

COMMISSION ORDER GRANTING APPLICATION

Mailed Date: January 10, 2003

Adopted Date: January 8, 2003

I. BY THE COMMISSION

A. Statement

1. On August 19, 2002, the Colorado Department of Transportation (CDOT), filed this application requesting authority to install grade crossing warning devices consisting of flashing light signals with gates, bell, and constant warning devices at the crossing of State Highway 59 (SH 59) across the tracks and right-of-way of the Kyle Railroad at railroad milepost 486.42, Crossing Inventory I.D. NO. 594-730N in the Town of Seibert, Kit Carson County, Colorado.

2. On August 22, 2002, the Staff of the Commission filed its Entry of Appearance and Notice of Intervention.

3. The Commission gave notice of this application together with a copy of the application to all interested parties, including the adjacent property owners, in accordance with § 40-6-108(2), C.R.S. This Notice was mailed August 22, 2002.

4. Intervention.on October 7, 2002, the Commission received a copy of the fully executed Agreement by and between CDOT and Kyle Railroad, dated October 3, 2002, pertaining to the construction, maintenance, and funding for this project.

5. The Commission has reviewed the record in this matter and deems that the application is now complete within the meaning of § 40-6-109.5, C.R.S.

6. The Commission will determine this matter upon the record, without a formal hearing under § 40-6-109(5), C.R.S., and Rule 24, Commission Rule of Practice and Procedure, 4 *Colorado Code of Regulations* ("CCR") 723-1, because the application is noncontested and the Applicant did not request a public hearing.

II. FINDINGS OF FACT

7. The purpose of this application is to secure Commission approval to install grade crossing warning devices consisting of flashing light signals with gates, bell, and constant warning devices at the crossing of SH 59 across the tracks and right-of-way of Kyle Railroad at railroad milepost 486.42, Crossing Inventory I.D. NO. 594-730N in the Town of Seibert, Kit Carson County, Colorado.

8. The average daily traffic count at the existing crossing was approximately 1,600 vehicles per day in 1999 with an estimated increase to 1,950 in 2022. There are currently two trains per day, three times a week operating over the crossing at a maximum timetable speed of 30 m.p.h.

9. The proposed warning devices will consist of mast mounted flashing light signals with gates and a bell. Track circuits will include constant warning devices that will provide 31

seconds of warning time for a train approaching the crossing on the mainline track from either direction at any authorized train speed.

10. the work to be done and the expenses therefore will be paid in accordance with the appropriate rules and regulations of the Federal Government and are covered by an Agreement by and between CDOT and Kyle Railroad dated October 3, 2002. Kyle Railroad will install the new grade crossing warning equipment and related circuitry. The total estimated cost of the railroad signal portion of the project is \$175,321.

11. Maintenance of the roadway approaches to the crossing will be the responsibility of CDOT. Maintenance of the tracks, grade crossing warning devices, and appurtenances will be the responsibility of Kyle Railroad.

12. All exhibits, specifications, and plans are complete, accurate, and meet Commission requirements.

13. The public safety, convenience, and necessity require, and will be served by, the granting of this application.

III. CONCLUSIONS ON FINDINGS OF FACT

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

15. No intervention was received in opposition to this application. The application is noncontested and unopposed.

16. The Commission will determine this matter on the record, without a formal hearing, under §40-6-109(5), C.R.S. and Rule 24, Commission Rules of Practice and Procedure, 4 CCR 723-1.

17. The public safety, convenience, and necessity require, and will be served by, the granting of this application.

IV. ORDER

A. The Commission Orders That:

1. The Colorado Department of Transportation is authorized to install grade crossing warning devices consisting of flashing light signals with gates, bells, and constant warning devices at the crossing of State Highway 59 across the tracks and right-of-way of the Kyle Railroad at railroad milepost 486.42, Crossing Inventory I.D. NO. 594-730N in the Town of Seibert, Kit Carson County, Colorado.

2. Installation of the warning devices authorized in Ordering Paragraph 1 above shall be in accordance with the plans, specifications, and exhibits submitted in this application and hereby approved.

3. The total actual cost of labor and material required for installation of the grade crossing warning devices shall be paid in accordance with the Agreement by and between the Colorado Department of Transportation and Kyle Railroad, dated October 3, 2002.

4. The Kyle Railroad shall maintain the grade crossing warning devices at its own expense for the life of the crossing so protected.

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

6. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
JANUARY 8, 2003.**

(S E A L)



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ATTEST: A TRUE COPY

**Bruce N. Smith
Director**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RAYMOND L. GIFFORD

POLLY PAGE

JIM DYER

Commissioners