

Decision No. C04-0493

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-074R

IN THE MATTER OF THE APPLICATION OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY FOR AUTHORITY TO CROSS NORTH COUNTY LINE ROAD WITH ITS SIDING IN LARIMER COUNTY, STATE OF COLORADO

COMMISSION ORDER GRANTING APPLICATION

Mailed Date: May 12, 2004

Adopted Date: May 5, 2004

I. BY THE COMMISSION:

A. Statement

1. On February 12, 2004, the Burlington Northern and Santa Fe Railway Company (BNSF) filed an application requesting authority to cross North County Line Road at grade with its Highland siding, parallel and adjacent to its branch line that currently crosses North County Line Road at railroad milepost 51.13, Crossing Inventory I.D. No. 245-017G, located in Larimer County, Colorado.

2. The Commission gave notice of this application together with a copy of the application, to all interested parties, including adjacent property owners in accordance with § 40-6-108(2), C.R.S. The Notice was mailed February 20, 2004.

3. On March 16, BNSF filed a Motion of Extension of Time to Supplement Application. This motion was granted on April 1, 2004, by Decision C04-0337.

4. On April 16, 2004, BNSF filed a Supplement to the Application and on April 29, 2004 filed additional Exhibits.

5. No protests, objections, or petitions to intervene in opposition were filed in this application. This application is uncontested and unopposed.

6. 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.

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

8. The Commission will determine this matter without a formal hearing under § 40-6-109(5), C.R.S., and Commission Rules of Practice and Procedure No. 24, 4 CCR 723-1, because the application is uncontested and unopposed.

B. FINDINGS OF FACT

9. The Commission has given notice of the proposed construction of the crossing and siding track to all interested parties, including adjacent property owners. There were no interventions.

10. North County Line Road is a two-lane, asphalt, rural minor collector roadway. The existing crossing is a wooden plank crossing protected by cross bucks and stop signs.

11. BNSF is constructing an additional track, parallel and adjacent to the branch line track at railroad milepost 51.13 at the existing crossing of North County Line Road. The project will include replacing the wooden plank crossing surface with a concrete crossing surface, and the cross bucks and stop signs with flashing lights, and gates to encompass both tracks. The concrete crossing will be 32 feet wide.

12. The estimated average daily traffic at this crossing is 280 vehicles.

13. There are currently four through trains and two local trains per day at a maximum timetable speed of 49 mph. The projected increase in train traffic is 10% per year.

14. This project will be entirely funded by the BNSF. The estimated cost of the new signals, gates and crossing surfaces is \$ 204,428.

15. Maintenance of the roadway approaches to the crossing will continue to be the responsibility of Larimer County. BNSF will continue to maintain its roadbed, tracks, appurtenances, crossing surface and warning devices.

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

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

C. CONCLUSIONS

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

19. The application is uncontested and unopposed.

20. The Commission will determine this matter without a formal hearing under § 40-6-109(5), C.R.S., and Commission's Rules of Practice and Procedure No. 24, 4 CCR 723-1.

21. The public safety, convenience and necessity requires and will be served by granting this application.

II. ORDER

A. THE COMMISSION ORDERS THAT:

1. The Burlington Northern and Santa Fe Railway Company is authorized to cross North County Line Road at grade with its Highland siding track, parallel to the branch track at the crossing of North County Line Road, and to install new crossing surfaces and safety devices near or at railroad milepost 51.13, National Inventory I.D. No. 245-017G, located in Larimer County, Colorado.

2. All work done shall be in accordance with the plans, specifications and exhibits submitted with this application and hereby approved.

3. The total actual cost of labor and material required for the construction of the siding track authorized in ordering paragraph No. 1 above shall be paid by the Burlington Northern and Santa Fe Railway Company.

4. The Burlington Northern and Santa Fe Railway Company will continue to maintain its roadbed, tracks, appurtenances, crossing surface and warning devices

5. The Commission retains jurisdiction to make further orders as required in this matter.

6. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
May 5 2004**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER JIM DYER
ABSENT.