

Decision No. C04-0827

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 00A-579R

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IN THE MATTER OF THE COLORADO DEPARTMENT OF TRANSPORTATION, FOR AUTHORITY TO MAKE SAFETY IMPROVEMENTS ALONG STATE HIGHWAY 50, BETWEEN 19<sup>TH</sup> ST. AND RAYNOLDS AVE., ADJACENT TO THE UNION PACIFIC RAILROAD, BETWEEN RAILROAD MILEPOSTS 159.15 AND 158.39, MORE OR LESS, LOCATED IN CANON CITY, FREMONT COUNTY, COLORADO.

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**COMMISSION ORDER GRANTING APPLICATION**

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Mailed Date: July 21, 2004  
Adopted Date: July 20, 2004

**I. BY THE COMMISSION**

**A. Statement**

1. On October 11, 2000 the Colorado Department of Transportation, (CDOT) filed its application requesting authority to make safety improvements along State Highway 50 (SH 50) between 19<sup>th</sup> Street and Raynolds Avenue, including interconnecting and preempting the new traffic signal with the crossing warning devices at the intersection of Orchard Avenue and the tracks of The Union Pacific Railroad Company (UPRR). The project is between railroad mileposts 159.15 and 158.39 and National Inventory I.D. No. 253-182M and 253-179E in Canon City, Fremont County, Colorado. The signals at Raynolds Avenue include a pre-emption device that will be upgraded.

2. On October 27, 2000, 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. (1993). This Notice was mailed October 27, 2000.

4. On November 7, 2000, CDOT filed its Entry of Appearance and Notice of Intervention.

5. On November 29, 2000, UPRR filed its Entry of Appearance and Notice of Intervention.

6. On March 29, 2004, a contract between CDOT and UPRR was filed with an effective date of February 28, 2002.

7. 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.

8. 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.

**B. Findings of Fact**

9. CDOT is planning to upgrade SH 50 along the UPRR tracks between 19<sup>th</sup> St and Reynolds Ave. in Canon City, Colorado. This upgrade will include widening SH 50, construction of right turn islands, and grading and drainage improvements that will benefit both the highway and the Railroad right-of-way.

10. The purpose of this application is to secure Commission approval to interconnect and preempt the new traffic signal at the intersection of Orchard Avenue with the crossing warning devices of UPRR and upgrade the pre-emption device at Reynolds Avenue. This project

area is between milepost 159.15, National Inventory I.D. No. 253.182, and milepost 158.39, National Inventory I.D. No. 253.179E in the Canon City, Fremont County, Colorado

11. The average daily vehicular traffic (ADT) count on Orchard Avenue at the existing crossing is was approximately 120 vehicles per day in 1999 with a posted speed limit of 45 mph. The ADT is estimated to increase to 156 vehicles per day in 2002. There are currently 12 trains operating over the crossing per day at speeds ranging from 30 to 45 mph.

12. The grade crossing warning devices consist of cross bucks, gates and mast-mounted flashing lights.

13. Maintenance of the new traffic signal and the roadway approaches to the crossing will be the responsibility of CDOT. Maintenance of the crossing surface, roadbed, tracks, grade crossing warning devices, and appurtenances will be the responsibility of UPRR.

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

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

**C. Conclusions On Findings Of Fact**

16. The Commission has jurisdiction in this matter under § 40-4-106(2)(a) and (3)(a), C.R.S. (1993).

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

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

**II. ORDER**

**A. The Commission Orders That:**

1. The Colorado Department of Transportation is authorized to interconnect and preempt the traffic signals at the intersection of Orchard Avenue with the crossing warning devices of the Union Pacific Railroad Company at railroad milepost 158.99, more or less, National Inventory I.D. No. 253-182M, and upgrade the signals at Reynolds Avenue at railroad milepost 158.39, more or less, National Inventory I.D. No. 253-179E in the Canon City, Fremont 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. Maintenance of the new traffic signal and the roadway approaches to the crossing shall be the responsibility of Colorado Department of Transportation.

4. Maintenance of the crossing surface, roadbed, tracks, grade crossing warning devices, and appurtenances will be the responsibility of the Union Pacific Railroad Company.

5. The total actual cost of labor and material required for this installation shall be paid by the Colorado Department of Transportation, Colorado.

6. The Union Pacific Railroad Company shall continue to maintain the grade crossing warning devices, at both locations, at its own expense for the life of the crossings so protected.

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

8. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
JULY 20, 2004**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners