

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

DOCKET NO. 98A-016R

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IN THE MATTER OF THE APPLICATION OF THE COLORADO DEPARTMENT OF TRANSPORTATION, FOR AUTHORITY TO PERFORM CONSTRUCTION OF MAJOR WIDENING AND LOWERING OF BOTH THE HIGHWAY GRADE AND THE RAILROAD GRADE, AND REMOVAL OF THE RAILROAD TRACKS, AT THE ROARING FORK RAILROAD HOLDING AUTHORITY TRACKS AT RAILROAD MILEPOST 385.05, MORE OR LESS, ON STATE HIGHWAY 82, LOCATED IN PITKIN COUNTY, COLORADO.

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**COMMISSION ORDER GRANTING APPLICATION**

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Mailed Date: January 24, 2003

Adopted Date: January 22, 2003

**I. BY THE COMMISSION:**

**A. Statement**

1. On January 9, 1998, the Colorado Department of Transportation (CDOT), filed this application requesting authority to widen the highway. Also to lower the grade of the highway and the tracks and remove the existing railroad tracks at State Highway No. 82 (SH 82) over the tracks of The Roaring Fork Railroad Holding Authority (RFRHA), at railroad milepost 385.05, National Inventory ID No. 253-747B, in Pitkin County, Colorado.

2. On January 21, 1998, 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 adjacent property owners in accordance with § 40-6-108(2), C.R.S. The Notice was mailed January 21, 1998.

4. On January 27, 1998 CDOT filed its Entry of Appearance and Notice of Intervention.

5. On February 4, 1998, the Pitkin County Commissioners filed an Entry of Appearance and on February 19, 1998, filed a Notice of Intervention.

6. On February 17, 1998, the RFRHA filed its Entry of Appearance and Notice of Intervention.

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

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

9. CDOT has waived the time limits set forth in § 40-6-109.5 (1) and (2), C.R.S. for this application.

10. 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.

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

## **B. FINDINGS OF FACT**

12. Notice of the proposed construction of the highway/railroad modification has been given by the Commission to all interested parties, including adjacent property owners. No intervenor who filed a petition to intervene or other pleading contested or opposed the application.

13. RFRHA was established pursuant to § 29-1-203 C.R.S. for the purpose of acquiring the railroad right-of-way from Glenwood Springs to Woody Creek, and to manage and

plan for the use of the right-of-way as a transportation corridor for the benefit of the general public. The railroad is now out of service and the tracks have been paved over at railroad milepost 385.05, National Inventory Crossing ID No. 253-747B in Pitkin County, Colorado.

14. CDOT is improving a portion of SH 82 located in Pitkin County, Colorado. By this application CDOT proposes to widen the highway from two lanes to four lanes and lower the highway grade 13 feet below the grade of the tracks at railroad milepost 385.05, National Inventory Crossing ID No. 253-747B. The railroad tracks will be removed and not replaced as part of this project. If in the future some form of rail transportation is provided in the RFRHA transportation corridor, a separate application to the Commission will be required when impacts of the crossing are known.

15. Average daily traffic on SH 82 at the project area in 1992 was 12,300 and is projected to be about 25,500 vehicles per day in 2015. The posted speed limit after construction is anticipated to be 55 mph.

16. This project is being funded by Federal-aid funds and matching State funds. The estimated total cost of the improvements is \$13,000,000.

17. Maintenance of the new highway, including embankment and slope paving will be the responsibility of the CDOT.

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

19. The public safety, convenience and necessity requires, and will be served, by the granting of this application as hereinafter ordered.

**C. CONCLUSIONS ON FINDINGS OF FACT**

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

21. No intervenor who filed a petition to intervene or other pleading contested or opposed the application. The application is noncontested and unopposed.

22. The Commission will determine this matter on the record, 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.

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

**II. ORDER****A. THE COMMISSION ORDERS THAT:**

1. The Colorado Department of Transportation, is authorized to widen State Highway 82, to lower the grade of the highway and to remove the existing railroad tracks of The Roaring Fork Railroad Holding Authority at railroad milepost 385.05, National Inventory ID No. 253-747B, in Pitkin County, Colorado.

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

3. The total actual cost of labor and material required for the highway construction authorized in ordering paragraph No. 1 above shall be paid by the Colorado Department of Transportation.

4. Maintenance of the completed highway shall be the responsibility of the Colorado Department of Transportation.

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  
JANUARY 22, 2003**

(S E A L)



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