

Decision No. **C03-0113**

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

DOCKET NO. **98A-110R**

---

IN THE MATTER OF THE APPLICATION FOR THE CITY OF THORNTON, COLORADO,  
FOR AN ORDER AUTHORIZING THE INSTALLATION OF RAIL-HIGHWAY CROSSING  
PROTECTION DEVICES TO BE CONSTRUCTED ON THE RIGHT-OF-WAY OF THE UNION  
PACIFIC RAILROAD COMPANY AND 136TH AVENUE NEAR YORK STREET (DOT  
CROSSING NO. 804-304N) THORNTON, COLORADO.

---

**COMMISSION ORDER GRANTING APPLICATION**

---

Mailed Date: January 31, 2003  
Adopted Date: January 29, 2003

**I. BY THE COMMISSION**

**A. Statement**

1. On March 11, 1998, the City of Thornton, Colorado (Thornton) filed this application requesting authority to install grade crossing warning devices consisting of flashing light signals with gates, bells, and constant warning devices at the crossing of 136th Avenue, near York Street, across the tracks and right-of-way of The Union Pacific Railroad Company (UPRR) at railroad milepost 10.35, National Inventory I.D. No. 804-304N, in the City of Thornton, Adams County, Colorado.

2. On March 20, 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 the adjacent property owners, in accordance with § 40-6-108(2), C.R.S. (1993). This Notice was mailed March 20, 1998.

4. On April 9, 1998, UPRR filed its Entry of Appearance and Notice of Intervention.

5. On August 19, 1999, the Commission received a copy of the fully executed Agreement by and between CDOT, Thornton, and UPRR, dated August 13, 1999, pertaining to the construction, maintenance, and funding for this project.

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 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**

8. The purpose of this application is to secure Commission approval to install grade crossing warning devices consisting of flashing light signals with gates, bells, and constant warning devices at the crossing of 136th Avenue, near York Street across the tracks and right-of-way of the UPRR at railroad milepost 10.35, National Inventory I.D. No. 804-304N, in the City of Thornton, Adams County, Colorado.

9. The average daily vehicular traffic (ADT) count on 136th Avenue at the existing crossing is approximately 4,300 vehicles per day. A five year projected ADT is 9,500. The posted roadway speed limit is 35 mph. There are currently 4 freight trains per week operating over the crossing at a maximum timetable speed of 20 mph.

10. The proposed warning devices will consist of flashing signals with gates, warning bells, and constant warning devices.

11. The work to be done and the expenses therefor will be paid in accordance with the appropriate rules and regulations of the Federal Government and are covered by an Agreement by and between the Colorado Department of Transportation, Thornton, and UPRR dated August 13, 1999. The estimated cost of the railroad portion of the project is \$145,600.

12. Maintenance of the roadway approaches to the crossing will be the responsibility of Thornton. Maintenance of the crossing surface, roadbed, tracks, grade crossing warning devices, and appurtenances will be the responsibility of UPRR.

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

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

**C. Conclusions On Findings Of Fact**

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

16. 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.

17. The Commission will determine this matter on the record, without a formal hearing, under §40-6-109(5), C.R.S.(1993) and Rule 24, Commission Rules of Practice and Procedure, 4 CCR 723-1.

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

**II. ORDER****A. The Commission Orders That:**

1. The City of Thornton, Colorado is authorized to install grade crossing warning devices consisting of flashing light signals with gates, bells, and constant warning devices at the crossing of 136th Avenue, near York Street, across the tracks and right-of-way of the Union Pacific Railroad Company at railroad milepost 10.35, National Inventory I.D. No. 804-304N, in the City of Thornton, Adams 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 installation, operation, and maintenance of the crossing warning devices shall comply with the Agreement dated August 13, 1999, by and between the Colorado Department of Transportation, the City of Thornton, Colorado and the Union Pacific Railroad Company.

4. 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 dated August 13, 1999, by and between the Colorado Department of Transportation, the City of Thornton, Colorado and the Union Pacific Railroad Company.

5. The Union Pacific Railroad Company shall maintain the warning devices at its own expense for the life of the crossing so protected.

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

7. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
January 29, 2003**

(S E A L)



ATTEST: A TRUE COPY

**Bruce N. Smith**  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

POLLY PAGE

---

JIM DYER

---

Commissioners

CHAIRMAN RAYMOND L. GIFFORD  
LEFT THE COMMISSION  
JANUARY 30, 2003