

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 98A-075R

IN THE MATTER OF THE COLORADO DEPARTMENT OF TRANSPORTATION, FOR
AUTHORITY TO REPLACE A STRUCTURE OVER THE BURLINGTON NORTHERN AND
SANTA FE RAILWAY COMPANY TRACKS AT RAILROAD REFERENCE POINT 528.02,
MORE OR LESS, ON STATE HIGHWAY 2, LOCATED IN ADAMS COUNTY COLORADO.

COMMISSION ORDER GRANTING APPLICATION

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

I. BY THE COMMISSION:

A. Statement

1. On February 17, 1998, the Colorado Department of Transportation (CDOT), filed this application requesting authority to replace the existing highway/railroad grade separation structure No. E-17-K with structure No. E-17-UH to carry State Highway No. 2 (SH 2) over the tracks of The Burlington Northern and Santa Fe Railway Company (BNSF) at railroad milepost 528.02, located in Adams County, Colorado.

2. On March 4, 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 March 4, 1998.

4. On March 6, 1998, CDOT filed its Entry of Appearance and Notice of Intervention.

5. On March 10, 1998, BNSF filed its Entry of Appearance and Notice of Intervention.

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

7. CDOT waives the time limits set forth in § 40-6-109.5, (1) & (2), C.R.S. for this application.

8. 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.

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

10. 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 No. 24, 4 CCR 723-1, because the application is noncontested and unopposed.

B. FINDINGS OF FACT

11. Notice of the proposed construction of the SH 2 highway/railroad grade separation structure 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.

12. CDOT is improving a portion of State Highway 2 located in Adams County, Colorado. By this application, CDOT proposes to replace the existing highway/railroad grade

separation structure that carries SH 2 over the mainline tracks of the BNSF at railroad milepost 528.02, with a new structure.

13. The new SH 2 structure (Structure No. E-17-UH) will have a single span with a total length of 65.018 meters.

14. Average daily traffic on SH 2 at the project area in 1995 is 7,000 and projected to be about 13,000 vehicles per day in 2020. The estimated number of trains per day is 28 at speed ranging from 8 to 127 kmh.

15. This project is being funded under Title 23, U.S.C. and therefore is exempt from the provisions of § 40-4-106(3)(b), C.R.S. The estimated cost of the grade separation structure including removal of the existing structures is \$2,165,000.

16. CDOT will maintain the new highway/railroad grade separation structure including the embankment, piers, slope paving, abutments, substructure, superstructure, and fencing. BNSF will continue to maintain its roadbed, tracks, communication and signal lines, and appurtenances underneath the new structure.

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

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

C. CONCLUSIONS ON FINDINGS OF FACT

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

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

21. 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.

22. 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 Colorado Department of Transportation is authorized to construct, operate and maintain a highway/railroad grade separation structure to carry State Highway No. 2 over the mainline tracks of The Burlington Northern and Santa Fe Railway Company at railroad milepost 528.02, located in Adams County, Colorado.

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

3. The Colorado Department of Transportation shall pay the total actual cost of labor and material required for the highway/railroad grade separation structure authorized in ordering paragraph No. 1 above.

4. The Colorado Department of Transportation will maintain the new highway/railroad grade separation structure including the embankment, piers, slope paving, abutments, substructure, superstructure, and fencing. The Burlington Northern and Santa Fe

Railway Company shall continue to maintain its roadbed, tracks, communication and signal lines, and appurtenances underneath the new structure.

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 29, 2003**



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.

(S E A L)