

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

DOCKET NO. 01A-536R

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IN THE MATTER OF THE APPLICATION OF THE TOWN OF PALMER LAKE,  
COLORADO, FOR THE AUTHORITY TO UPGRADE THE CROSSING OF THE UNION  
PACIFIC RAILROAD COMPANY AND RIO GRANDE STREET, AKA, COUNTY LINE  
ROAD (DOT CROSSING NO. 253 074R), PALMER LAKE, EL PASO COUNTY,  
COLORADO.

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**COMMISSION ORDER GRANTING APPLICATION**

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Mailed Date: February 7, 2003  
Adopted Date: February 5, 2003

**I. BY THE COMMISSION**

**A. Statement**

1. On November 14, 2001, the Town of Palmer Lake, Colorado (Palmer Lake), filed this application requesting authority to install grade crossing warning devices consisting of flashing light signals with gates, bell, and constant warning devices at the crossing of Rio Grande Street, aka County Line Road, across the tracks and right-of-way of the Union Pacific Railroad Company (UPRR) at railroad milepost 51.93, DOT Crossing No. 253-074R in the Town of Palmer Lake, El Paso County, Colorado.

2. On November 21, 2001, 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 November 21, 2001.

4. On November 28, 2001, the Burlington Northern and Santa Fe Railway Company (BNSF) filed its Entry of Appearance and Notice of Intervention.

5. On December 21, 2001, UPRR filed its Entry of Appearance and Notice of Intervention.

6. On January 24, 2003, the Commission received a copy of the fully executed Agreement by and between the Colorado Department of Transportation (CDOT), Palmer Lake, and UPRR, dated January 22, 2003, pertaining to the construction, maintenance, and funding for this project.

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. The purpose of this application is to secure Commission approval to install grade crossing warning devices consisting of flashing light signals with gates, bell, and constant warning devices at the crossing of Rio Grande Street across the tracks and right-of-way of UPRR at railroad milepost 51.93, DOT Crossing. No. 253-074R in Palmer Lake, Colorado.

10. Rio Grande Street is a two lane asphalt-paved roadway, classified as a major collector that crosses the UPRR mainline and passing tracks at an angle of 90 degrees. The existing crossing is protected by crossbuck signs, stop signs and advance warning signs.

11. The crossing is used by local and commuter traffic, truck and farm equipment. School District 38 will not allow the school busses to cross the tracks with children on board, resulting in a 5-mile loop around the crossing. The School is located 1 mile from the crossing.

12. The average daily vehicular traffic count on Rio Grande Street at the existing crossing is approximately 1400 vehicles per day at a posted speed limit of 30 mph. There are currently 50 freight trains per day operating over the crossing at a maximum timetable speed of 20 mph. The projected increase of vehicular traffic is 3451 in the year 2020.

13. The proposed warning devices will consist of train-activated flashing light signals with gates and bells and constant warning devices.

14. 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 CDOT, Palmer Lake, and the UPRR dated January 22, 2003. The total budgeted cost of the signal project is \$190,275.

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

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

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

**C. Conclusions On Findings Of Fact**

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

19. No intervention was received in opposition to this application. The application is noncontested and unopposed.

20. 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.

21. 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 Town of Palmer Lake, Colorado is authorized and directed to install grade crossing warning devices consisting of flashing light signals with gates, bell, and constant warning devices at the crossing of Rio Grande Street, aka County Line Road, across the tracks and right-of-way of the Union Pacific Railroad at railroad milepost 51.93, DOT Crossing No. 253-074R in the Town of Palmer Lake, El Paso 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 January 22, 2003, by and between the Colorado Department of Transportation, the Town of Palmer Lake, 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 January 22, 2003, by and between the Colorado Department of Transportation, the Town of Palmer Lake, 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. Upon completion of the installation of the grade crossing warning devices ordered herein, The Union Pacific Railroad Company shall notify the Commission in writing within ten days of the initial operation of the warning devices.

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  
FEBRUARY 5, 2003**

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

JIM DYER

Commissioners