

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 98A-365R

IN THE MATTER OF THE APPLICATION OF THE COLORADO DEPARTMENT OF TRANSPORTATION, FOR THE AUTHORITY TO WIDEN THE SUBSTRUCTURE, AND REMOVAL AND REPLACEMENT OF THE SUPERSTRUCTURE ON STRUCTURE B-24-AO AND UPGRADE THE BRIDGE RAIL ON STRUCTURES B-24-AO AND B-24-AN, BOTH ON INTERSTATE HIGHWAY 76 CROSSING OVER THE BURLINGTON NORTHERN AND SANTA FE RAILWAY'S TRACKS IN LOGAN COUNTY, COLORADO.

COMMISSION ORDER GRANTING APPLICATION

Mailed Date: February 21, 2003
Adopted Date: February 19, 2003

I. BY THE COMMISSION:

A. Statement

1. On August 14, 1998, the Colorado Department of Transportation (CDOT) filed this application requesting authority to widen the existing substructure, replace the existing westbound superstructure and replace the bridge rail on structure B-24-AO and to replace the bridge rail on structure B-24-AN. Both structures carry Interstate 76 (I-76) over the tracks of The Burlington Northern and Santa Fe Railway Company (BNSF) at railroad milepost 226.36, National Crossing Number 057-431C, located northeast of Sterling, in Logan County, Colorado.

2. On August 24, 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 August 24, 1998.

4. On August 28, 1998, CDOT filed its Entry of Appearance
5. On August 28, 1998, BNSF filed its Entry of Appearance and Notice of Intervention.
6. Received by the Commission as a late-filed exhibit on October 28, 1998, is a copy of the fully executed Agreement dated October 19, 1998, by and between CDOT and BNSF, providing for construction, operation and maintenance of the two I-76 grade separation structures.
7. No protests, objections, or petitions to intervene in opposition were filed in this application. This application is noncontested and unopposed.
8. CDOT waives the time limits set forth in § 40-6-109.5, (1) & (2), C.R.S. for this application.
9. 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.
10. The Commission has jurisdiction in this matter under § 40-4-106(2)(a) & (3)(a), 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 No. 24, 4 CCR 723-1, because the application is noncontested and unopposed.

B. FINDINGS OF FACT

12. The Commission has given notice of the proposed construction on the I-76 highway/railroad grade separation structures 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. CDOT is improving a portion of I- 76 located in Logan County, Colorado. By this application, CDOT proposes to widen and upgrade the existing highway/railroad grade separation structure that carries westbound I-76 over the mainline tracks of the BNSF and replace the guard railing of the existing highway/railroad grade separation structure that carries eastbound I-76 over the mainline tracks of the BNSF at railroad milepost 226.36, National Crossing Number 057-431C, located northeast of Sterling, in Logan County, Colorado.

14. Average daily traffic on I-76 at the project area is 5,300 and projected to be about 6,400 vehicles per day in 2018. The estimated number of trains per day is four at a maximum speed of 49 mph.

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 railroad related work associated with this I-76 project is \$226,337.

16. CDOT will maintain the highway/railroad grade separation structures including the embankment, piers, slope paving, abutments, substructure, superstructure, and fencing. BNSF will continue to maintain its roadbed, tracks, and appurtenances underneath the I-76 structures.

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 intervenor 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 widen the existing substructure, replace the existing westbound superstructure and replace the bridge rail on structure B-24-AO and to replace the bridge rail on structure B-24-AN that carry Interstate 76 over the tracks of The Burlington Northern and Santa Fe Railway Company at railroad milepost 226.36, National Crossing Number 057-431C, located northeast of Sterling, in Logan 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 shall maintain the highway/railroad grade separation structures 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, and appurtenances underneath the new structures.

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
FEBRUARY 19, 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