

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 98A-282R

IN THE MATTER OF THE COLORADO DEPARTMENT OF TRANSPORTATION, FOR AUTHORITY TO 1) PERFORM MAJOR WIDENING AND RESURFACING, BUILD A DETOUR, REPLACE THE EXISTING AT-GRADE CROSSING WITH NEW CROSSING MATERIAL, AND INSTALL DRAINAGE PIPES UNDER THE RAILROAD TRACKS, AT UNION PACIFIC RAILROAD REFERENCE POINT WB 0.53C, MORE OR LESS, AND 2) STRUCTURE REPLACEMENT OVER THE RAILROAD TRACKS, AT UNION PACIFIC RAILROAD REFERENCE POINT WB 17.30A, MORE OR LESS, ON STATE HIGHWAY 93, NORTH AND SOUTH OF STATE HIGHWAY 72, LOCATED IN JEFFERSON COUNTY, COLORADO

COMMISSION ORDER GRANTING APPLICATION

Mailed Date: February 26, 2003
Adopted Date: February 19, 2003

I. BY THE COMMISSION:

A. Statement

1. On June 19, 1998, the Colorado Department of Transportation, (CDOT), filed this application requesting authority to 1) perform major widening and resurfacing, build a detour, replace the existing at grade crossing with new crossing material, and install drainage pipes under the railroad tracks at Union Pacific Railroad and 2) structure replacement over the railroad tracks at Union Pacific Railroad milepost 17.30, more or less, on State Highway 93, North and South of State Highway 72, located in Jefferson County, Colorado.

2. On June 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 June 24, 1998.

4. On July 2, 1998, the UPRR filed its Entry of Appearance and Notice of Intervention.

5. On July 7, 1998, CDOT, filed its Entry of Appearance and Notice of Intervention.

6. Received by the Commission as a late-filed exhibit on July 28, 1998, is a copy of the fully executed Agreement dated July 22, 1998, by and between CDOT and UPRR, pertaining to the construction, operation and maintenance of the project work that is the subject of this application.

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

10. 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.

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. Notice of the proposed construction of the highway/railroad grade separation structure and rail-highway grade crossing improvements 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. CDOT is improving and widening a portion of State Highway 93 west of Arvada in Jefferson County, Colorado. By this application CDOT proposes to replace the existing highway/railroad grade separation structure (No.E-16-R) that carries SH 93 over the mainline tracks of the UPRR at railroad milepost 17.30, with a new structure (No.E-16-QY). Also, CDOT proposes to widen and improve the grade crossing of SH 93 across the UPRR Rocky Flats industrial spur track just south of SH 72, in Jefferson County, Colorado.

14. The new SH 93 structure (Structure No. E-16-QY) will be 52'-0" wide, out to out, to accommodate one 12 ft. wide travel lane for southbound traffic with 10 ft. shoulder and one 12 ft. travel lane, a 12 ft. climbing lane with a 6 ft. shoulder for northbound traffic. Chain link fence will be attached to the bridge rail to prevent debris from falling onto the UPRR tracks.

15. The roadway width of SH 93 at the grade crossing of the industrial spur track will provide for a 12 ft. travel lane in each direction, a 12 ft. left turn lane, and 10 ft. shoulders.

16. The grade crossing is presently protected with train activated standard traffic signals. The existing warning devices will be relocated to accommodate the new roadway width and motion detection track circuits will be added to the train detection system.

17. Average daily traffic (ADT) on SH 93 at the project area is currently 15,200 with a projected ADT of 26,510 in 2018.

18. 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 roadway improvement project including the grade separation structure and grade crossing widening is \$8,500,000. The railroad related portion of the project is estimated at \$119,491.

19. Maintenance of the new highway/railroad grade separation structure and the widened and improved rail-highway grade crossing will be the responsibility of the CDOT and UPRR in accordance with the agreement by and between the CDOT and UPRR dated July 22, 1998. Under the terms of this agreement, UPRR will continue to maintain its roadbed, tracks, communication and signal lines, grade crossing surface, track circuits, and appurtenances and CDOT will maintain the roadway approaches to the grade crossing, the traffic signals and the new structure including the embankment, piers, slope paving, abutments, substructure, superstructure, and fence.

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

21. 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

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

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

24. 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.

25. 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 construct, operate and maintain a highway/railroad grade separation structure to carry State Highway No. 93 over the mainline tracks of the Union Pacific Railroad Company, National Inventory I.D. 253-297G, at railroad milepost 17.30, more or less, located west of Arvada in Jefferson County, Colorado.

2. The Colorado Department of Transportation, is also authorized to widen and reconstruct the rail-highway grade crossing of SH 93 across the UPRR Rocky Flats industrial spur track, National Inventory I.D. No. 254-356K, at railroad milepost 0.53, south of SH 72, located west of Arvada in Jefferson County, Colorado.

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

4. The total actual cost of labor and material required for the highway/railroad grade separation structure and the widening and reconstruction of the rail-highway grade crossing authorized in ordering paragraph No. 1 above, shall be paid in accordance with the Agreement between the Colorado Department of Transportation and the Union Pacific Railroad Company dated October 19, 1998.

5. Maintenance of the completed grade-separation structure and the widened and reconstructed rail-highway grade crossing shall be in accordance with the Agreement dated October 19, 1998, by and between the Colorado Department of Transportation and the Union Pacific Railroad Company.

6. The Commission retains jurisdiction to make further orders as required in this matter.

7. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
FEBRUARY 19, 2003.**

(SEAL)



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