

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 98A-358R

IN THE MATTER OF THE APPLICATION OF THE COLORADO DEPARTMENT OF
TRANSPORTATION, FOR THE AUTHORITY TO REPLACE A STRUCTURE OVER THE
TRACKS OF THE UNION PACIFIC RAILROAD AT RAILROAD MILEPOST 551.87, MORE
OR LESS, ON STATE HIGHWAY 24, SOUTHWEST OF THE TOWN OF LIMON, IN
LINCOLN COUNTY, COLORADO

COMMISSION ORDER GRANTING APPLICATION

Mailed Date: March 14, 2003

Adopted Date: March 12, 2003

I. BY THE COMMISSION:

A. Statement

1. On August 3, 1998, the Colorado Department of Transportation (CDOT) filed this application requesting authority to replace the existing highway/railroad grade separation structure No. G-22-O with a new structure No. G-22-BZ to carry State Highway No. 24 (SH 24) over the tracks of Union Pacific Railroad Company (UPRR) at railroad milepost 551.87, located near Limon, Lincoln County, Colorado.

2. On August 13, 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 13, 1998.

4. On August 24, 1998, UPRR filed its Entry of Appearance and Notice of Intervention.

5. On August 25, 1998, CDOT filed its Entry of Appearance.

6. Received by the Commission as a late-filed exhibit on September 24, 1999, is a copy of the fully executed Contract dated September 20, 1999, by and between CDOT and UPRR, providing for construction, operation and maintenance of SH 24 highway/railroad grade separation structure No. G-22-BZ over the tracks of UPRR located near Limon, Lincoln County, Colorado.

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

8. CDOT waived 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-I, because the application is noncontested and unopposed.

B. FINDINGS OF FACT

12. The Commission has given notice of the proposed construction of the SH 24 highway/railroad grade separation structure 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 SH 24 located near Limon, Lincoln County, Colorado. By this application, CDOT proposes to replace the existing highway/railroad grade separation structure that carries SH 24 over the mainline track of the UPRR at railroad milepost 551.87, with a new structure.

14. Average daily traffic on SH 24 at the project area is projected to be about 4,057 vehicles per day in 2017. Train movements will be approximately 12 to 15 trains per day at a maximum speed of 40 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 grade separation structure including removal of the existing structures is \$3,700,000.

16. Maintenance of the new highway/railroad grade separation structure will be the responsibility of the CDOT and UPRR in accordance with the Contract by and between the CDOT and UPRR dated September 20, 1999. Under the terms of this Contract, UPRR will continue to maintain its roadbed, tracks, communication and signal lines, and appurtenances underneath the new structure and CDOT will maintain the structure including the embankment, piers, slope paving, abutments, substructure, superstructure, and fence.

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

18. 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

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 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. 24 over the mainline and siding tracks of Union Pacific Railroad Company at railroad milepost 551.87, located near Limon, Lincoln 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 total actual cost of labor and material required for the highway/railroad grade separation structure authorized in ordering paragraph No. 1 above shall be paid in accordance with the Contract, dated September 20, 1999, by and between the Colorado Department of Transportation and Union Pacific Railroad Company.

4. Maintenance of the completed grade-separation structure shall be in accordance with the Contract, dated September 20, 1999, by and between the Colorado Department of Transportation and Union Pacific Railroad Company.

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
MARCH 12, 2003**

(SEAL)



ATTEST: A TRUE COPY

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

JIM DYER

Commissioners

COMMISSIONER POLLY PAGE
ABSENT