

Decision No. C03-0350

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 02A-216R

IN THE MATTER OF THE APPLICATION OF THE CITY OF LONGMONT, COLORADO,
FOR THE AUTHORITY TO CONSTRUCT A RIGHT-TURN LANE FROM SH 119 TO
SUNSET ST. AND UPGRADE THE CROSSING SURFACE AND SUNSET ST. CROSSING,
IMMEDIATELY SOUTH OF SH 119 IN THE CITY OF LONGMONT, BOULDER COUNTY,
COLORADO.

COMMISSION ORDER GRANTING APPLICATION

Mailed Date: April 4, 2003

Adopted Date: April 2, 2003

I. BY THE COMMISSION:

A. Statement

1. On April 2, 2002, the City of Longmont, Colorado (Longmont), filed this application requesting authority to construct a right-turn lane from State Highway 119 (SH 119) to Sunset Street and upgrade the crossing surface and signals of The Burlington Northern and Santa Fe Railway Company (BNSF) at railroad milepost 42.18, National Inventory I.D. 244-844L, located in Longmont, Boulder County, Colorado.

2. On April 8, 2002, 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. This Notice was mailed April 8, 2002.

4. On April 10, 2002, CDOT filed its Entry of Appearance and Notice of Intervention.

5. On April 12, 2002, BNSF filed its Entry of Appearance and Notice of Intervention.

6. On October 30, 2002 the Commission received a copy of the fully executed Agreement by and between Longmont, CDOT, and BNSF, dated October 23, 2002, pertaining to the construction, maintenance, and funding for this project.

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

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 will determine this matter upon the record, without a formal hearing under § 40-6-109(5), C.R.S., and Rule 24, of the Commission's Rules 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

10. The purpose of this application is to secure Commission approval to construct a right- turn lane on SH 119 to Sunset Street and upgrade the signals and crossing surface of the

BNSF at railroad milepost 42.18, National Inventory I.D. 244-844L, located in Longmont, Boulder County, Colorado.

11. Sunset Street is a four-lane arterial north/south roadway that crosses the mainline track of BNSF at an approximate angle of 45 degrees. Immediately north of the crossing Sunset Street intersects with SH 119. This intersection is controlled with standard traffic signals. The crossing is presently protected by standard flashing light signals that are interconnected to and preempt the standard traffic signals. The improvements will include the installation of new flashing light signals with gates, bells, and constant warning devices that will be interconnected to and preempt the traffic signals at the intersection of Sunset Street and SH 119.

12. . The average daily vehicular traffic count at the existing crossing is approximately 8800 vehicles per day with a speed of 35 mph. This includes private vehicles, commercial trucks and school busses.

13. There are 6 to 8 freight trains per day across the crossing with a maximum timetable speed of 49 mph.

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, Longmont, and BNSF dated October 23, 2002. The total estimated cost of the railroad portion of the work is \$127,361.

15. Maintenance of the roadway approaches to the crossing, advance warning signs, and pavement markings will be the responsibility of Longmont. Maintenance of the crossing surface, roadbed, tracks, and warning devices will continue to be the responsibility of BNSF.

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.

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. (7093), and Rule 24, of the Commission's 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:

22. The City of Longmont, Colorado is authorized to construct a right-turn lane from State Highway 119 to Sunset Street and upgrade the crossing surface and install new crossing warning devices consisting of flashing light signals with gates, bells, and constant warning track circuits at the crossing of Sunset Street across the mainline track of The Burlington Northern and Santa Fe Railway Company at railroad milepost 42.18, National Inventory I.D. 244-844L, located in Longmont, Boulder County, Colorado.

1. The total actual cost of labor and material required for the project shall be paid in accordance with the Agreement by and between Colorado Department of Transportation, the City of Longmont, Colorado, and The Burlington Northern and Santa Fe Railway Company dated October 23, 2002.

2. The Burlington Northern and Santa Fe Railway Company shall continue to maintain the crossing surface, roadbed, tracks, and grade crossing warning devices.

3. The Commission retains jurisdiction to enter further required orders.

4. This Order is effective on its Mailed Date.

**B. ADOPTED IN THE COMMISSIONER'S WEEKLY MEETING
APRIL 2, 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