

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 99A-333R

IN THE MATTER OF THE APPLICATION OF THE CITY OF ROCKY FORD, COLORADO
FOR AN ORDER AUTHORIZING THE INSTALLATION OF SIGNAL LIGHTS, GATES
AND OTHER PROTECTIVE DEVICES TO BE CONSTRUCTED ACROSS THE TRACKS
AND RIGHT-OF-WAY OF THE BURLINGTON NORTHERN RAILWAY COMPANY AT 7TH
STREET, ROCKY FORD.

COMMISSION ORDER GRANTING APPLICATION

Mailed Date: April 11, 2003

Adopted Date: April 9, 2003

I. BY THE COMMISSION

A. Statement

1. On June 25, 1999, City of Rocky Ford, Colorado (Rocky Ford), 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 7th Street across the tracks and right-of-way of The Burlington Northern and Santa Fe Railway Company (BNSF) at railroad milepost 565.76, National Inventory I.D. No. 003-386K, in Rocky Ford, Otero County, Colorado.

2. On July 9, 1999, 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 July 9, 1999.

4. On July 19, 1999, BNSF filed its Entry of Appearance and Notice of Intervention.
5. Received by the Commission on October 15, 1999, as a late filed exhibit, is a cost estimate and schematic drawing of the proposed warning devices.
6. 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.
7. 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

8. 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 7th Street across the tracks and right-of-way of BNSF at railroad milepost 565.76, National Inventory I.D. No. 003-386K in Rocky Ford, Otero County, Colorado.
9. The present warning devices at the crossing is an antiquated wigwag signal.
10. The average daily vehicular traffic of the crossing is 1000 vehicles, including passenger cars, farm trucks, fuel trucks construction vehicles and school busses. BNSF operates approximately 20 trains per day over the crossing at a maximum timetable speed of 30 mph.
11. The work to be done and the expenses therefor will be paid by BNSF. The total estimated cost of the proposed grade crossing warning devices is \$97,259.

12. Maintenance of the roadway approaches to the crossing will be the responsibility of Rocky Ford. Maintenance of the crossing surface, roadbed, tracks, grade crossing warning devices, and appurtenances will be the responsibility of BNSF.

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

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

C. Conclusions On Findings Of Fact

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

16. The Commission will determine this matter on the record, without a formal hearing, under §40-6-109(5), C.R.S. and Rule 24, Commission Rules of Practice and Procedure, 4 CCR 723-1.

17. 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 City of Rocky Ford, Colorado is authorized to install grade crossing warning devices consisting of flashing light signals with gates, bell, and constant warning devices at the crossing of 7th Street across the tracks and right-of-way of The Burlington Northern and Santa Fe Railway Company at railroad milepost 565.76, National Inventory I.D. No. 003-386K, in the City of Rocky Ford, Otero County, Colorado.

2. The 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 Burlington Northern and Santa Fe Railway Company shall maintain the warning devices at its own expense for the life of the crossing so protected.

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

5. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
APRIL 9, 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