

Decision No. C03-0398

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 98A-385R

IN THE MATTER OF THE APPLICATION OF THE COLORADO DEPARTMENT OF TRANSPORTATION FOR THE AUTHORITY TO REMOVE AND REPLACE AN EXISTING GRADE SEPARATION STRUCTURE CARRYING STATE HIGHWAY 6 OVER THE UNION PACIFIC RAILROAD COMPANY TRACKS, AT RAILROAD REFERENCE POINT 71.90, NATIONAL INVENTORY ID NO. 805-296C, SOUTHWEST OF MERINO, IN LOGAN COUNTY. COLORADO.

COMMISSION ORDER GRANTING APPLICATION

Mailed Date: April 18, 2003
Adopted Date: April 16, 2003

I. BY THE COMMISSION

A. Statement

1. On August 25, 1998, the Colorado Department of Transportation, (CDOT), filed this application requesting authority to replace the existing highway/railroad grade separation structure that carries State Highway 6 over the tracks of the Union Pacific Railroad Company (UPRR) at railroad milepost 71.90, National Inventory ID No 805-296C, southwest of Merino, in Logan County, Colorado.

2. On September 1, 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 September 1, 1998.

4. On September 17, 1998, the UPRR filed its Entry of Appearance and Notice of Intervention.

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

6. Received by the Commission as a late-filed exhibit on March 17, 1999, is a copy of the fully executed Agreement dated March 12, 1999, by and between CDOT and UPRR, providing for construction, operation and maintenance of the highway/railroad grade separation structure of State Highway 6 over the tracks of UPRR.

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

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 Commission Rule of Practice and Procedure No. 24, 4 CCR 723-1, because the application is non-contested and the applicant did not request a public hearing.

B. FINDINGS OF FACT

10. Notice of the proposed construction of the highway/railroad grade separation structure 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.

11. CDOT proposes to replace the existing highway/railroad grade separation structure (Structure No. C-23-R) that carries State Highway 6 over the mainline track of the UPRR at railroad milepost 71.90, National Inventory ID No 805-296C with a new structure (Structure No. C-23-AO) at the same location in Logan County, Colorado.

12. The new bridge structure will be 40.4 feet in width to provide for a travel lane with paved shoulder in each direction with bridge rail and chain link fencing. A minimum vertical clearance from top of rail to bottom of structure of 23.0 feet will be provided which exceeds the Commission requirement of 22.5 feet. A minimum horizontal clearance of 25.3 feet from the centerline of the track to the face of pier 2 will be provided which exceeds the Commission requirement of 8.5 feet.

13. Average daily traffic on State Highway 6 at the project area is currently about 850 vehicles per day, with a projected increase to 935 vehicles. There are approximately four train movements per day at a maximum timetable speed of 50 mph.

14. This project is being funded by CDOT. The estimated cost of the project including the bridge replacement is \$3,675,000.

C. CONCLUSIONS ON FINDINGS OF FACT

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

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

17. The Commission will determine this matter on the record, without a formal hearing under § 40-6-109(5), C.R.S., and Commission Rule of Practice and Procedure No. 24, 4 CCR 723-1.

18. 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 replace the existing highway/railroad grade separation structure that carries State Highway 6 over the tracks of the Union Pacific Railroad Company at railroad milepost 71.90, National Inventory ID No. 805-296C, southwest of Merino, 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 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 Agreement, dated March 12, 1999, by and between the Colorado Department of Transportation and the Union Pacific Railroad Company.

4. Maintenance of the completed highway/railroad grade separation structure shall be in accordance with the Agreement, dated March 12, 1999, by and between the Colorado Department of Transportation and the Union Pacific Railroad Company.

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

6. This Order is effective on the date that it is mailed.

**B. ADOPTED IN COMMISSIONERS WEEKLY MEETING
APRIL 16, 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