

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 01A-281R

IN THE MATTER OF THE APPLICATION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BOULDER, STATE OF COLORADO, FOR AUTHORITY TO INSTALL SIGNALS AT A RAILROAD CROSSING ON N. 115TH ST. NORTH OF WASATCH ROAD, BOULDER COUNTY, COLORADO (COUNTY ROAD NUMBER 3), AT RAILROAD CROSSING D.O.T. NUMBER 245-0141 (RAILROAD MILEPOST 49.52).

COMMISSION ORDER GRANTING APPLICATION

Mailed Date: May 6, 2003
Adopted Date April 2, 2003

I. BY THE COMMISSION:

A. Statement

1. On June 5, 2001, the County of Boulder, Colorado (Boulder), 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 N. 115th Street (County Road 3), across the tracks and right-of-way of The Burlington Northern and Santa Fe Railway Company (BNSF) at railroad mile post 49.52, National Inventory I.D. No. 245-014L, in Boulder County, Colorado.

2. On July 12, 2001, 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. (1993). This Notice was mailed July 12, 2001.

4. On July 19, 2001, the Colorado Department of Transportation (CDOT) filed its Entry of Appearance and Notice of Intervention.

5. On August 3, 2001, BNSF filed its Entry of Appearance and Notice of Intervention.

6. On September 10, 2001, the Commission received a letter from two adjacent property owners expressing opposition to the proposed signal installation.

7. On March 11, 2003, the Commission received a copy of the fully executed Agreement by and between CDOT, Boulder, and BNSF, dated March 7, 2003 pertaining to the construction, maintenance, and funding for this project.

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, 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

10. 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 N. 115th Street (County Road 3) across the tracks and right-of-way of BNSF at railroad mile post 49.52, National Inventory I.D. No. 245-014L in Boulder County, Colorado.

11. Average daily traffic is 450 vehicles per day consisting of passenger vehicles, commercial trucks, road construction equipment and school busses.

12. The crossing consists of the mainline track of BNSF with eight (8) through train movements per day at a maximum timetable speed of 40 mph.

13. The proposed warning devices will consist of train-activated flashing light signals with gates, bell and constant warning devices. The warning bell will be located on the signal in the southeast quadrant and will be wired to activate only with the lowering and raising of the gate arm. Upon the approach of a train from either direction at any authorized train speed, the signals will be activated and provide 30 seconds of warning time before the train enters the crossing thereby minimizing signal activation and motorist delay.

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, Boulder, and the BNSF dated March 7, 2003. The total cost of the BNSF grade crossing signal portion of the project is \$157,899.

15. Maintenance of the roadway approaches to the crossing will be the responsibility of Boulder. Maintenance of the crossing surface, roadbed, tracks, grade crossing warning devices, and appurtenances will 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. (1993).

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.(1993) and Rule 24, Commission 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:**

1. The County of Boulder, Colorado is authorized and directed to install grade crossing warning devices consisting of flashing light signals with gates, bells, and constant warning devices at the crossing of N. 115th Street (County Road 3) across the tracks and right-of-way of The Burlington Northern and Santa Fe Railway Company at railroad mile post 49.52, National Inventory I.D. No. 245-014L in Boulder County, Colorado.

2. 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 installation, operation, and maintenance of the crossing warning devices shall comply with the Agreement dated March 7, 2003, by and between the Colorado Department of

Transportation, the County of Boulder, Colorado and The Burlington Northern and Santa Fe Railway Company.

4. The total actual cost of labor and material required for installation of the grade crossing warning devices shall be paid in accordance with the Agreement dated March 7, 2003, by and between the Colorado Department of Transportation, the County of Boulder, Colorado and The Burlington Northern and Santa Fe Railway Company.

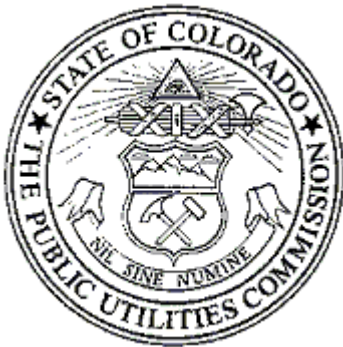
5. The Burlington Northern and Santa Fe Railway Company shall maintain the warning devices at its own expense for the life of the crossing so protected.

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

7. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
April 2, 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

