

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 99A-478R

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IN THE MATTER OF THE APPLICATION OF THE CITY OF THORNTON, COLORADO,  
FOR AUTHORITY TO CONSTRUCT A PEDESTRIAN CROSSING OVER THE UNION  
PACIFIC RAILROAD TRACKS AT THE 104<sup>TH</sup> AVENUE CROSSING WEST OF  
COLORADO BOULEVARD.

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**COMMISSION ORDER GRANTING APPLICATION**

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Mailed Date: May 13, 2003

Adopted Date: May 7, 2003

**I. BY THE COMMISSION**

**A. Statement**

1. On September 29, 1999, the City of Thornton, Colorado, (Thornton), filed this application requesting authority to construct a pedestrian/bicycle pathway on the south side of 104<sup>th</sup> Avenue, across the tracks and right-of-way of the Union Pacific Railroad Company (UPRR) in Thornton, Colorado.

2. On October 14, 1999, the Staff of the Commission filed its Entry of Appearance and Notice of Intervention.

3. On October 21, 1999, the UPRR filed its Entry of Appearance and Notice of Intervention.

4. 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.

5. 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**

6. The purpose of this application is to secure Commission approval to construct a pedestrian and bicycle pathway at the crossing of 104<sup>th</sup> Avenue west of Colorado Boulevard across the tracks and right-of-way of the UPRR at railroad milepost 5.85, National Inventory I.D. No. 804-299U, in Thornton, Colorado.

7. Thornton proposes to construct an 8 foot wide pedestrian and bicycle pathway along the south side of 104<sup>th</sup> Avenue. The pathway will be detached from the roadway curb and gutter in the vicinity of the crossing. The existing grade crossing warning devices will not need to be relocated.

8. The work will be done by Thornton Public Works and will be funded by Sovereign Companies.

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

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

**C. Conclusions On Findings Of Fact**

11. The Commission has jurisdiction in this matter under § 40-4-106(2)(a) and (3)(a), C.R.S. (1993).

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

13. 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.

14. 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 Thornton, Colorado is authorized and directed to construct a pedestrian/bicycle pathway on the south side of 104<sup>th</sup> Avenue, across the tracks and right-of-way of the Union Pacific Railroad Company at railroad milepost 5.85, National Inventory I.D. No. 804-299U, in Thornton, Colorado.

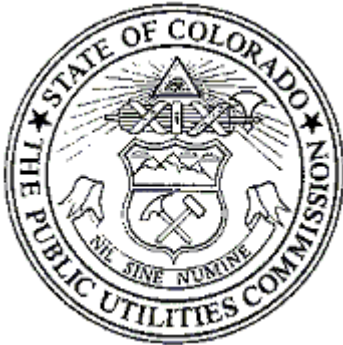
2. The construction of the pathway shall be in accordance with the plans submitted with the application and here by approved.

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

4. This Order is effective immediately upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
MAY 7, 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