

Decision No. C03-0561

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 99A-246R

IN THE MATTER OF THE APPLICATION OF ADAMS COUNTY, COLORADO FOR
AUTHORITY TO CONSTRUCT BOX CULVERTS TO CHANNEL THE 100-YEAR FLOOD
FLOW UNDER THE BURLINGTON NORTHERN SANTA FE SANTA FE RAILROAD
EMBANKMENT AND TO PROVIDE A PEDISTRIAN AND BICYCLE CROSSING UNDER
THE BURLINGTON NORTHERN SANTA FE SANTA FE RAILROAD EMBANKMENT AT
TWO LOCATIONS BETWEEN 64TH AVENUE AND FEDERAL BOULEVARD IN ADAMS
COUNTY

COMMISSION ORDER GRANTING APPLICATION

Mailed Date: May 23, 2003
Adopted Date: May 21, 2003

I. BY THE COMMISSION:

A. Statement

1. On May 19, 1999, Adams County, Colorado, filed an application for authority to construct two culverts to pass the 100-year flood flow of the Little Dry Creek and to serve as a pedestrian-bicycle trail under the tracks and embankment of The Burlington Northern and Santa Fe Railway Company (BNSF) at two locations are between 64th Avenue and Federal Boulevard in Adams County, Colorado.

2. On June 10, 1999, the Staff of the Commission filed its Entry of Appearance and Notice of Intervention.

3. The Commission gave notice of the 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. The Notice was mailed June 10, 1999.

4. On June 17, 1999, the BNSF 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. The Commission has jurisdiction in this matter under § 40-4-106(2)(a) & (3)(a), C.R.S.

7. 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.

8. The Commission will determine this matter upon the record, without a formal oral hearing under § 40-6-109(5), C.R.S., and Commission Rules of Practice and Procedure No. 24, 4 CCR 723-I, because the application is noncontested and unopposed.

B. Findings of Fact

9. Adams County is constructing two box culverts along Little Dry Creek to protect against embankment erosion and to provide for the 100-year flood flow under the railroad. The

box culverts will also serve as pedestrian and bicycle crossings that are essential links to the City of Westminster Transportation Trail and will connect with the Clear Creek trail system.

10. The purpose of this application is to secure Commission approval to construct two box culverts along Little Dry Creek. The project consists of the construction of cast-in-place box culverts at two locations between 64th Ave. and Federal Boulevard and will include riprap armoring, rock walls adjacent to the cast-in-place low flow crossings, pre-cast concrete low flow conduit, steel railings, a berm and transitional grading, and relocation of a sanitary sewer line.

11. The culverts will serve as pedestrian and bicycle crossings for the City of Westminster and Clear Creek trail systems.

12. Notice of the proposed grade separated crossing has been given by the Commission to all interested parties, including the adjacent property owners and the BNSF. No intervention was received in opposition to this application.

13. The construction cost for the project is approximately \$1,200,000. Funding for the entire project will be borne by Adams County.

14. Maintenance of the pedestrian-bicycle separated crossing and approaches will be the responsibility of Adams County.

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

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

C. Conclusions

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

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

19. 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, of the Commission's Rules of Practice and Procedure, 4 CCR 723-1.

20. 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. Adams County, Colorado, is authorized to construct two culverts to pass the 100-year flood flow of the Little Dry Creek and to serve as a pedestrian-bicycle trail under the tracks and embankment of The Burlington Northern and Santa Fe Railway Company at two locations between 64th Avenue and Federal Boulevard in Adams County, Colorado.

2. The construction authorized in Ordering Paragraph 1 above shall be in accordance with the plans, specifications, and exhibits submitted in this application and hereby approved.

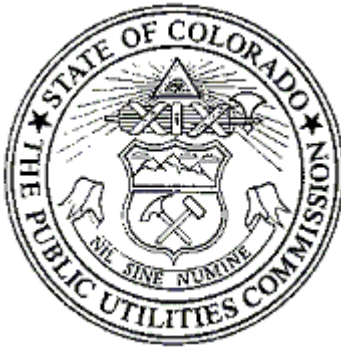
3. The construction, operation, and maintenance of the pedestrian-bicycle trail shall be the responsibility of Adams County, Colorado.

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

5. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
MAY 21, 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