

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 02A-321R

IN THE MATTER OF THE COLORADO DEPARTMENT OF TRANSPORTATION, FOR
AUTHORITY TO DEMOLISH EXISTING OVERPASS AND CONSTRUCT A NEW
OVERPASS ON US HIGHWAY 40 EAST OF KREMMLING OVER THE UNION PACIFIC
RAILROAD TRACKS, GRAND COUNTY, COLORADO.

COMMISSION ORDER GRANTING APPLICATION

Mailed Date: July 3, 2003

Adopted Date: July 2, 2003

I. BY THE COMMISSION:

A. Statement

1. On June 11, 2002, the Colorado Department of Transportation (CDOT) filed this application requesting authority to replace the existing highway/railroad grade separation structure (No. D-11-K) that carries US Highway 40 (US 40) over the tracks of the Union Pacific Railroad Company (UPRR) at railroad milepost 97.31, National Inventory ID No. 235-343F, located east of Kremmling, Grand County, Colorado.

2. On June 12, 2002, 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 June 12, 2002.

4. On June 25, 2002, the UPRR filed its Entry of Appearance and Notice of Intervention.

5. Received by the Commission as a late-filed exhibit on May 16, 2003, is a copy of the fully executed Agreement dated May 15, 2003, by and between CDOT and UPRR, providing for construction, operation and maintenance of the highway/railroad grade separation structure (No. D-11-A) of US 40 over the tracks of UPRR located east of Kremmling, Grand County, Colorado.

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

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

8. CDOT waives the time limits set forth in § 40-6-109.5 (1) and (2), C.R.S., for this application.

9. The Commission has reviewed the file and deems the application to be complete within the meaning of § 40-6-109.5 (3), C.R.S.

10. 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 723-1, because the application is noncontested and unopposed.

B. FINDINGS OF FACT

11. 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.

12. CDOT is improving a portion of US Highway 40 located east of Kremmling in Grand County, Colorado. By this application, CDOT proposes to replace the existing highway/railroad grade separation structure (No. D-11-K) that carries US 40 over the mainline tracks of the UPRR at railroad milepost 97.31, National Inventory ID No. 235-343F with a new structure (No. D-11-A) located at railroad milepost 97.28, east of Kremmling, in Grand County, Colorado.

13. The new structure will be a three (3) span structure approximately 259'-9 $\frac{3}{4}$ " in length. The minimum vertical clearance from top of rail to the bottom of the structure is 23'-6" which exceeds the Commission's minimum requirement of 22'-6". The minimum horizontal clearance from center of the existing track to Pier #3 is 18'-0" which exceeds the Commission's minimum requirement of 8'-6". The overall width of the structure is 43'-0" to provide for two 12'-0" travel lanes, two 8'-0" shoulders, and bridge rails with chain link fence.

14. Average daily traffic on US 40 at the project area in 1998 was 1,998 vehicles per day and is projected to be about 4,388 vehicles per day in 2020. There are approximately 17 freight and 2 passenger train movements each day with maximum speeds of 25 mph.

15. The estimated cost of the grade separation structure including removal of the existing structure is \$2,500,000. Construction will consist of: piers, retaining walls, superstructure, lighting, fences, and communications relocations.

16. Maintenance of the new highway/railroad grade separation structure will be the responsibility of the CDOT and UPRR in accordance with the agreement by and between CDOT and UPRR dated May 15, 2003. Under the terms of this agreement, UPRR will continue to maintain its roadbed, train communication and signal lines, tracks, and appurtenances. CDOT will maintain the overpass structure including the deck, bridge rail, substructure abutments, approach slabs, and drainage system.

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

18. The public safety, convenience and necessity require, and will be served, by the granting of this application as hereinafter ordered.

C. CONCLUSIONS ON FINDINGS OF FACT

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

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

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

22. 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 Colorado Department of Transportation is authorized to construct, operate and maintain a highway/railroad grade separation structure to carry US Highway 40 over the mainline tracks of the Union Pacific Railroad Company at railroad milepost 97.28, more or less, National Inventory ID No. 235-343F, located east of Kremmling, in Grand 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 by and between the Colorado Department of Transportation and the Union Pacific Railroad Company dated May 15, 2003.

4. Maintenance of the completed grade separation structure shall be in accordance with the Agreement, dated May 15, 2003, 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 its Mailed Date.

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