

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

DOCKET NO. 03A-198R

---

IN THE MATTER OF THE APPLICATION OF THE TOWN OF WINTER PARK,  
COLORADO, FOR A PEDESTRIAN AND BICYCLE CROSSING UNDER THE UNION  
PACIFIC RAILROAD STRUCTURE AT RR MILE POST 56.40 ON WINTER PARK DRIVE  
IN THE TOWN OF WINTER PARK, COLORADO.

---

**COMMISSION ORDER GRANTING APPLICATION**

---

---

Mailed Date: July 3, 2003  
Adopted Date: July 2, 2003

**I. BY THE COMMISSION:**

**A. Statement**

1. On May 7, 2003, the Town of Winter Park (Winter Park), Colorado, filed an application for authority to construct a pedestrian-bicycle pathway under the existing trestle of the Union Pacific Railroad Company (UPRR), along the Fraser River at milepost 56.40, in the Town of Winter Park, Grand County, Colorado.

2. On May 14, 2003, 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 May 7, 2003.

4. On May 29, 2003, the UPRR filed its Entry of Appearance and Notice of Intervention.

5. 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.

6. 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 Rules 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**

7. The Fraser River Trail is a pedestrian-bicycle pathway that currently extends from downtown Winter Park along the Fraser River to "Old Town" Winter Park. Winter Park is constructing a continuation of the Fraser River Trail from "Old Town" Winter Park, along Winter Park Drive to Winter Park Resort.

8. The purpose of this application is to secure Commission approval to construct the pedestrian-bicycle pathway under the existing UPRR trestle at railroad milepost 56.40. The project consists of the construction of 8 foot wide pedestrian-bicycle concrete pathway. The pedestrian-bicycle under crossing will consist of a concrete retaining wall and a covered timber structure. The timber structure is 43 feet long and 11 feet wide that will extend 10 feet on both sides of the UPRR trestle. Notice of the proposed pathway has been given by the Commission to all interested parties, including the adjacent property owners and UPRR. No intervention was received in opposition to this application.

9. The construction cost for the project is approximately \$27,133. Funding for the entire project will be paid for by Winter Park.

10. Maintenance of the pedestrian-bicycle pathway and timber structure will be the responsibility of Winter Park.

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

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

**C. Conclusions**

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

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

15. The Commission will determine this matter on the record, without a formal hearing, under § 40-6-109(5), C.R.S., and Rule 24, Commission Rules of Practice and Procedure, 4 CCR 723-1.

16. 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 Town of Winter Park, Colorado, is authorized to construct a pedestrian-bicycle pathway under the existing railroad trestle of the Union Pacific Railroad Company over

Winter Park Drive, at railroad milepost 56.40, in the Town of Winter Park, Grand County, Colorado.

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

3. The construction, operation, and maintenance of the pedestrian-bicycle pathway and timber structure shall be the responsibility of the Town of Winter Park, Colorado.

4. The Union Pacific Railroad Company shall continue to maintain its railroad trestle.

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

- B. This Order is effective on its Mailed Date.
- C. **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