

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 98A-118R

IN THE MATTER OF THE APPLICATION OF UNION PACIFIC RAILROAD COMPANY FOR
AUTHORITY TO CONSTRUCT A NEW SIDING TRACK UNDER INTERSTATE 70 AT
MESA, IN THE COUNTY OF ADAMS, STATE OF COLORADO.

COMMISSION ORDER GRANTING APPLICATION

Mailed Date: July 18, 2003
Adopted Date: July 16, 2003

I. BY THE COMMISSION:

A. Statement

1. On March 17, 1998, the Union Pacific Railroad Company (UPRR) filed this application requesting authority to construct a second track under the existing highway/railroad grade separation structures of the Colorado Department of Transportation (CDOT) that carries Interstate Highway 70 (I-70) over Smith Road and the mainline tracks at railroad milepost 626.43, Crossing Inventory I.D. No. 805-503U, located in Aurora, Arapahoe County, Colorado.

2. On March 20, 1998, 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 March 20, 1998.

4. On March 24, 1998, CDOT 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 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.

7. The Commission has jurisdiction in this matter under § 40-4-106(2)(a) & (3)(a), 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 723-1, because the application is noncontested and unopposed.

B. FINDINGS OF FACT

9. The Commission has given notice of the proposed construction of the passing track under the I-70 highway/railroad grade separation structures to all interested parties, including adjacent property owners. No intervenor who filed a petition to intervene or other pleading contested or opposed the application.

10. UPRR is constructing an additional track, parallel and adjacent to the mainline track at railroad milepost 626.43 under the existing highway/railroad grade separation structures that carry I-70 over Smith Road and the mainline track of the UPRR.

11. The I-70 structures are five span structures with the existing mainline track located between pier 2 and pier 3. The new track will be located between pier 3 and pier 4. The center line of the new track will be within 25 feet of pier 3 and pier 4. UPRR will construct crash walls to protect the piers. No other modification of the I-70 grade separations is necessary

to accommodate the track. Average daily traffic count on I-70 at the project area was 13,600 vehicles per day in 1996.

12. The projected number of trains per day in the year 2002 is 12 to 15. The maximum timetable speed is on the mainline track is 40 miles per hour. No modification will be required to the grade crossing signal track circuits at the highway-railroad grade crossings at Tower Road, railroad milepost 627.48, Crossing Inventory I.D. No. 805-502M, and at Piccadilly Road, railroad milepost 625.46, Crossing Inventory I.D. No. 805-504B, because the turnouts on either end of the proposed siding will not be power operated. Under UPRR's current operating rules, the train crews cannot enter either at-grade crossing from the siding until the gates are fully lowered and vehicles have cleared the crossing. Moreover, after the train has left the siding and cleared the crossing, the train crew must hand-throw the switch to clear the mainline. In the future, if it becomes necessary to install power-operated turnouts at either end of the siding, UPRR will file a new application with the Commission requesting approval of any changes or modifications to the affected crossing (s), which may be necessary.

13. This project is being funded by the UPRR. The estimated project cost of the new siding track under the grade separation structure is \$ 2.1 million.

14. Maintenance of the highway/railroad grade separation structure will continue to be the responsibility of CDOT. UPRR will continue to maintain its roadbed, tracks, communication and signal lines, and appurtenances underneath the structure.

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

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

C. CONCLUSIONS ON FINDINGS OF FACT

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

18. No intervenor who filed a petition to intervene or other pleading contested or opposed the 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., and Commission's Rules of Practice and Procedure No. 24, 4 CCR 723-1.

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

II. ORDER

A. THE COMMISSION ORDERS THAT:

1. The Union Pacific Railroad Company is authorized to construct, operate and maintain a second track under the highway/railroad grade separation structures of the Colorado Department of Transportation that carries Interstate Highway 70 over Smith Road and the mainline tracks of at railroad milepost 626.43, Crossing Inventory I.D. No. 805-503U, located in Aurora, Adams 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 construction of the siding track under the highway/railroad grade separation structures and the pier crash walls authorized in ordering paragraph No. 1 above shall be paid by the Union Pacific Railroad Company.

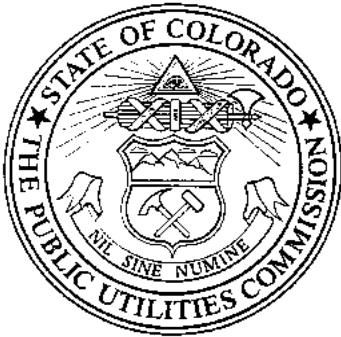
4. The Union Pacific Railroad Company shall maintain its roadbed, tracks, communication and signal lines, and appurtenances underneath the structure.

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 16, 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