

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 00A-090R

IN THE MATTER OF THE APPLICATION OF THE COUNTY OF LARIMER, COLORADO
FOR THE AUTHORITY TO UPGRADE THE CROSSING OF THE BURLINGTON
NORTHERN SANTA FE RAILROAD AT COUNTY ROAD 16 (DOT.NO. 245-029B), IN
LARIMER COUNTY, COLORADO.

COMMISSION ORDER GRANTING APPLICATION

Mailed Date: August 11, 2003

Adopted Date: August 8, 2003

I. BY THE COMMISSION

A. Statement

1. On February 16, 2000, the County of Larimer, Colorado (Larimer), filed this application requesting authority to install grade crossing warning devices consisting of flashing light signals with gates, bell, and constant warning devices at the crossing of County Road 16 (CR 16) across the tracks and right-of-way of The Burlington Northern and Santa Fe Railway Company (BNSF) at railroad milepost 58.24, National Crossing No. 245-029B, in Larimer County, Colorado.

2. On February 22, 2000, 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 the adjacent property owners, in accordance with § 40-6-108(2), C.R.S. (1993). This Notice was mailed February 22, 2000.

4. On March 3, 2000, BNSF filed its Entry of Appearance and Notice of Intervention.

5. On March 2, 2000, the Colorado Department of Transportation (CDOT) filed its Entry of Appearance and Notice of Intervention.

6. On January 25, 2000, the Commission received a copy of the fully executed Agreement by and between CDOT, Larimer, and BNSF, dated January 20, 2000, pertaining to the construction, maintenance, and funding for this project.

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 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 Larimer did not request a public hearing.

B. Findings of Fact

9. The purpose of this application is to secure Commission approval to install grade crossing warning devices consisting of flashing light signals with gates, bell, and constant warning track circuits at the crossing of CR 16 across the tracks and right-of-way of BNSF at railroad milepost 58.24, National Crossing I.D. No. 245-029B, in Larimer County, Colorado.

10. CR 16 is a two lane asphalt-paved roadway that crosses the BNSF tracks at an angle of approximately 90 degrees. The existing crossing of CR 16 and the BNSF tracks is presently protected with crossbuck warning signs, advance warning signs, and stop signs.

11. The average daily vehicular traffic count in 1999 on CR 16 at the existing crossing was 1000 motor vehicles per day with a maximum allowable speed of 30 mph. An average of eight freight trains per day with a maximum timetable speed of 49 mph presently cross the CR 16 crossing.

12. The proposed warning devices will consist of train-activated flashing light signals with gates, a warning bell and constant warning track circuits.

13. The work to be done and the expenses therefor will be paid in accordance with the appropriate rules and regulations of the Federal Government and are covered by an Agreement, by and between CDOT, Larimer, and the BNSF dated January 20, 2000. The estimated cost of the railroad portion of the project is \$121,482 with a total budgeted cost for the project of \$133,100.

14. Maintenance of the roadway approaches to the crossing will be the responsibility of Larimer. Maintenance of the crossing surface, roadbed, tracks, grade crossing warning devices, and appurtenances will be the responsibility of BNSF.

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 On Findings Of Fact

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

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, Commission 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. The County of Larimer, Colorado is authorized and directed to install grade crossing warning devices consisting of flashing light signals with gates, bell, and constant warning devices at the crossing of CR 16 and the tracks and right-of-way of The Burlington Northern and Santa Fe Railway Company at railroad milepost 58.24, National Crossing No. 245-029B in Larimer County, Colorado.

2. Installation of the warning devices 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 installation, operation, and maintenance of the crossing warning devices shall comply with the Agreement dated January 20, 2000, by and between the Colorado Department of Transportation, Larimer County, Colorado and The Burlington Northern and Santa Fe Railway Company.

4. The total actual cost of labor and material required for installation of the grade crossing warning devices shall be paid in accordance with the agreement dated January 20, 2000, by and between the Colorado Department of Transportation, Larimer County, Colorado and The Burlington Northern and Santa Fe Railway Company.

5. The Burlington Northern and Santa Fe Railway Company shall maintain the warning devices at its own expense for the life of the crossing so protected.

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

7. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
August 8, 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