

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

DOCKET NO. 00A-409R

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IN THE MATTER OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, COLORADO FOR THE AUTHORITY TO ALTER THE UNION PACIFIC RAILROAD COMPANY'S PRIVATE HIGHWAY-RAILROAD CROSSING LOCATED NEAR HIGHWAY MILE MARKER NO. 185 ADJACENT TO U.S. HIGHWAY 24 IN UNINCORPORATED LAKE COUNTY, COLORADO.

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**COMMISSION ORDER GRANTING APPLICATION**

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Mailed Date: August 25, 2003  
Adopted Date: August 20, 2003

**I. BY THE COMMISSION:**

**A. Statement**

1. On June 21, 2000, the County of Lake, State of Colorado (Lake County), filed this application for an order establishing a public at-grade rail-highway crossing at the location of an existing private at-grade rail-highway crossing near U.S. Highway 24 (U.S. 24), across the right-of-way and tracks of the Union Pacific Railroad Company (UPRR), at railroad milepost 266.50, Crossing Inventory I.D. No. 253-250L, and authorizing the installation of crossbuck warning signs and advance warning thereat.

2. 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. The Notice was mailed July 27, 2000.

3. On July 27, 2000, the Staff of the Commission filed its Entry of Appearance and Notice of Intervention.

4. On August 9, 2000, 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 § 4-6-109(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 existing roadway was at one time a part of the Pikes Peak Coast to Coast Highway and now is a private roadway referred to as Peat Moss Road with a crossing over the UPRR. Lake County has acquired the road and has widened the road, designating it as Lake County Road 100. As a public roadway it will provide public access to a new Lake County open space parcel located at the Arkansas Headwaters Recreation Area.

8. The purpose of this application is to secure Commission approval to establish a public at-grade rail-highway crossing at the existing private at-grade rail-highway crossing of Lake County Road 100, across the right-of-way and tracks of the UPRR, at railroad milepost 266.50, Crossing Inventory I.D. No. 253-250L, and have the crossing protected with crossbuck warning signs and advance warning signs.

9. The new roadway will provide for a travel lane in each direction.

10. Notice of the proposed establishment of a new public rail-highway at-grade crossing and warning devices thereat has been given by the Commission to all interested parties, including the adjacent property owners. No intervention was received in opposition to this application. The application is noncontested and unopposed.

11. There are presently no trains operating over the trackage at the subject crossing. The rail line is currently inactive. The crossing will be protected with crossbuck warning signs and advance warning signs.

12. The construction and continuing maintenance of the roadway approaches and advance warning signs will be the responsibility of Lake County. Maintenance of the crossing surface and crossbuck warning signs will be the responsibility of UPRR.

13. The cost of this project will be paid for by local funds.

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

### **C. Conclusions**

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

16. No intervenor who filed a petition to intervene or other pleading contests or opposes the application. The application is noncontested and unopposed.

17. 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.

18. 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 Lake, State of Colorado is authorized to establish a public at-grade rail-highway crossing at the existing private at-grade rail-highway crossing of Lake County Road 100, across the right-of-way and tracks of the Union Pacific Railroad Company, at railroad milepost 266.50, Crossing Inventory I.D. No. 253-250L, and to install crossbuck warning signs and advanced warning signs thereat.

2. Installation of the warning devices authorized in Ordering Paragraph 1, above, shall be in accordance with the Manual of Uniform Traffic Control Devices and the plans, specifications and exhibits, as submitted with this application and hereby approved.

3. The construction of the at-grade crossing and maintenance of the roadway approaches and advance warning signs shall be the responsibility of the Lake County, State of Colorado.

4. Maintenance of the crossing surface and crossbuck warning signs shall be the responsibility of the Union Pacific Railroad Company.

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

6. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING.  
AUGUST 20, 2003**

(SEAL)



ATTEST: A TRUE COPY

Bruce N. Smith  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

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Commissioners