

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 01A-003R

IN THE MATTER OF THE APPLICATION FOR THE CITY OF THORNTON, COLORADO,
FOR AN ORDER AUTHORIZING THE INSTALLATION OF RAIL-HIGHWAY CROSSING
INCLUDING PROTECTIVE DEVICES AND A PEDESTRIAN CROSSING TO BE
CONSTRUCTED ON THE RIGHT-OF-WAY OF THE UNION PACIFIC RAILROAD
COMPANY AND THORNTON PARKWAY IN THORNTON, COLORADO.

COMMISSION ORDER GRANTING APPLICATION

Mailed Date: September 4, 2003

Adopted Date: August 20, 2003

I. BY THE COMMISSION:

A. Statement

1. On December 27, 2000, the City of Thornton, State of Colorado (Thornton), filed this application for an order establishing a public at-grade rail-highway crossing of Thornton Parkway, across the right-of-way and tracks of the Union Pacific Railroad Company (UPRR) and authorizing the installation of flashing light signals, gates, bells and constant warning devices 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 February 1, 2001.

3. On February 1, 2001, the Staff of the Commission filed its Entry of Appearance and Notice of Intervention.

4. On February 9, 2001, UPRR filed its Entry of Appearance and Notice of Intervention.

5. Received by the Commission on August 28, 2003, as a late filed exhibit, is the revised plans for the roadway.

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 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

8. The purpose of this application is to secure Commission approval to establish a public at-grade rail-highway crossing of Thornton Parkway, across the right-of-way and tracks of the UPRR, located in Thornton and to install warning devices consisting of flashing light signals, gates, bells and constant warning track circuits thereat.

9. Notice 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.

10. Thornton is constructing an easterly extension of Thornton Parkway between Washington Street and Colorado Boulevard. Thornton Parkway at the crossing will be a four lane paved roadway, with a raised median. The Total roadway width will be 59 feet. There will

be an 8 foot wide detached sidewalk on the south side of the roadway and a 6 foot wide detached sidewalk on the north side of the roadway.

11. Grade crossing warning devices will consist of mast-mounted flashing light signals with gate arms and bell for each roadway approach. There will be an additional mast-mounted flashing light unit located in the raised median for each roadway approach. The track circuits will be constant warning devices that provide 30 seconds of warning for the approach of a train from either direction at any authorized train speed.

12. The construction and continuing maintenance of the roadway will be the responsibility of Thornton. Maintenance of the crossing surface and grade crossing warning devices will be the responsibility of UPRR.

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

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 City of Thornton, State of Colorado is authorized to establish a public at-grade rail-highway crossing of Thornton Parkway, across the right-of-way and tracks of the Union Pacific Railroad Company, to install flashing light signals, gates, bells and constant warning devices 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 to the grade crossing shall be the responsibility of the City of Thornton, State of Colorado.

4. Maintenance of the crossing surface and grade crossing warning devices 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' WEEKLEY MEETING
AUGUST 20, 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