

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-300R

IN THE MATTER OF THE APPLICATION OF THE TOWN OF ERIE, 645 HOLBROOK, PO BOX 750, ERIE, COLORADO 80516. FOR THE AUTHORITY TO RELOCATE AN AT-GRADE CROSSING THAT PRESENTLY EXISTS 302 FEET EAST OF MILE MARKER 25 TO A LOCATION 678 FEET EAST OF MILE MARKER 25 ON THE UNION PACIFIC RAILROAD TRACKS, IN THE TOWN OF ERIE, COUNTY OF BOULDER, STATE OF COLORADO.

COMMISSION ORDER GRANTING APPLICATION

Mailed Date: September 22, 2003

Adopted Date: September 17, 2003

I. BY THE COMMISSION:

A. Statement

1. On July 9, 2003 the Town of Erie, State of Colorado (Erie), filed this application requesting authority to relocate a public at-grade rail-highway crossing that presently exists 302 feet east of railroad milepost 25.00 to a location 678 feet east of milepost 25.00 on the right-of-way and tracks of the Union Pacific Railroad Company (UPPR), and for authority to install crossbuck warning signs and advanced warning signs 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 11, 2003.

3. On July 11, 2003, the Staff of the Commission filed its Entry of Appearance and Notice of Intervention.

4. On August 7, 2003, 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 purpose of this application is to secure Commission approval to relocate a public at-grade rail-highway crossing that presently exists 302 feet east of mile marker 25 to a location 678 feet east of mile marker 25 on the right-of-way and tracks of the Union Pacific Railroad Company (UPRR), and authorizing the installation of passive warning devices.

8. 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.

9. The crossing will have an estimated daily vehicle traffic of 5,000 vehicles per day. UPRR has discontinued train service at this location but has not abandoned the line.

10. The construction and continuing maintenance of the roadway approaches to the crossing and the advance warning signs will be the responsibility of Erie. Maintenance of the crossing surface and crossbuck warning signs will be the responsibility of UPRR.

11. The cost of this project will be paid for by Erie.

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 intervenor who filed a petition to intervene or other pleading contests or opposes the 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 Erie, State of Colorado is authorized to relocate a public at-grade rail-highway crossing that presently exists 302 feet east of railroad milepost 25.00 to a location 678 feet east of milepost 25.00 on the right-of-way and tracks of the Union Pacific Railroad Company and is authorizing 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. Maintenance of the roadway approaches to the crossing and the advance warning signs shall be the responsibility of the Town of Erie.

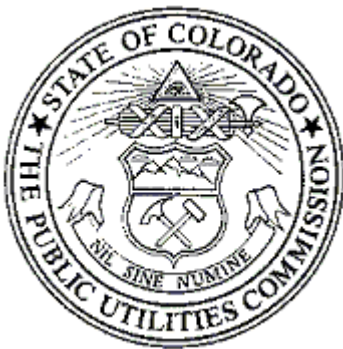
4. Maintenance of the crossing surface and crossbuck signs shall be the responsibility of the Union Pacific Railroad Company.

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

6. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLEY MEETING
September 17, 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