

Decision No. **C03-1131**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-335R

IN THE MATTER OF THE APPLICATION FOR THE CITY OF THORNTON, COLORADO, FOR AN ORDER AUTHORIZING THE INSTALLATION OF AN INTERCONNECTION WITH THE UNION PACIFIC RAILROAD'S GATED/SIGNALIZED CROSSING TO ENABLE THE PREEMPTION OF A NEW TRAFFIC SIGNAL TO BE INSTALLED AT THE INTERSECTION OF 136TH AVENUE AND YORK STREET ADJACENT TO THE UNION PACIFIC RAILROAD COMPANY CROSSING OF 136TH AVENUE NEAR YORK STREET (DOT CROSSING NO. 804-304N) AS WELL AS THE CROSSING OF YORK STREET NEAR 136TH AVENUE (DOT CROSSING NO. 804-305V) THORNTON, COLORADO.

COMMISSION ORDER GRANTING APPLICATION

Mailed Date: October 6, 2003
Adopted Date: October 1, 2003

I. BY THE COMMISSION

A. Statement

1. On July 31, 2003, the City of Thornton, Colorado (Thornton) filed this application requesting authority to interconnect and preempt the new traffic signal at the intersection of 136th Avenue and York Street with the grade crossing warning devices at the crossing of 136th Avenue across the tracks of The Union Pacific Railroad Company (UPRR) at railroad milepost 10.35 and the grade crossing of York Street across the tracks UPRR at railroad milepost 10.25, National Inventory I.D. No. 804-305V, in the City of Thornton, Adams County, Colorado.

2. On August 1, 2003, 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 August 1, 2003.

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 § 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 the Applicant did not request a public hearing.

B. Findings of Fact

7. Thornton is planning to install a new traffic signal at the intersection of 136th Avenue and York Street.

8. The purpose of this application is to secure Commission approval to interconnect and preempt the new traffic signal at the intersection of 136th Avenue and York Street with the existing grade crossing warning devices at the crossing of 136th Avenue across the tracks of the UPRR at railroad milepost 10.35, National Inventory I.D. No. 804-304N, and the grade crossing warning devices at the crossing of York Street across the tracks of UPRR at railroad milepost 10.25, National Inventory I.D. No. 804-305V in the City of Thornton, Adams County, Colorado.

9. The average daily vehicular traffic (ADT) count on 136th Avenue at the existing crossing is approximately 8,460 vehicles per day with a posted speed limit of 40 mph. The ADT

at the York Street crossing is 1,298 with a posted speed limit of 30 mph. There are currently no trains operating over the crossings.

10. The grade crossing warning devices at both crossings consist of flashing signals with gates, warning bells, and constant warning devices.

11. Maintenance of the new traffic signal and the roadway approaches to the crossing will be the responsibility of Thornton. Maintenance of the crossing surface, roadbed, tracks, grade crossing warning devices, and appurtenances will be the responsibility of UPRR.

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

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

C. Conclusions On Findings Of Fact

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

15. The Commission has reviewed the record in this matter and deems that the application is complete within the meaning of § 40-6-109.5, C.R.S.

16. 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.

17. 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, Colorado is authorized to interconnect and preempt the new traffic signal at the intersection of 136th Avenue and York Street with the grade crossing warning devices at the crossing of 136th Avenue across the tracks of the Union Pacific Railroad Company at railroad milepost 10.35 and the grade crossing of York Street across the tracks of the Union Pacific Railroad Company at railroad milepost 10.25, National Inventory I.D. No. 804-305V, in the City of Thornton, Adams 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. Maintenance of the new traffic signal and the roadway approaches to the crossing shall be the responsibility of Thornton.

4. Maintenance of the crossing surface, roadbed, tracks, grade crossing warning devices, and appurtenances will be the responsibility of the Union Pacific Railroad Company.

5. The total actual cost of labor and material required for this installation shall be paid by the City of Thornton, Colorado.

6. The Union Pacific Railroad Company shall continue to maintain the grade crossing warning devices, at both locations, at its own expense for the life of the crossings so protected.

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

8. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 1, 2003**

(SEAL)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

ATTEST: A TRUE COPY

Bruce N. Smith
Director

JIM DYER

Commissioners