

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

DOCKET NO. 03A-118R

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IN THE MATTER OF THE APPLICATION OF THE COUNTY OF WELD, BY AND THROUGH ITS COUNSEL, TO CONSTRUCT CROSSING SIGNALS AND GATES AT THE EXISTING GRADE CROSSING OF WELD COUNTY ROAD 13 AND THE GREAT WESTERN RAILWAY CO., DOT NO. 849-344M, 0.5 MILES NORTH OF WCR 38, IN WELD COUNTY, STATE OF COLORADO

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**COMMISSION ORDER GRANTING APPLICATION**

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Mailed Date December 23, 2003  
Adopted Date: December 22, 2003

**I. BY THE COMMISSION**

**A. Statement**

1. On March 24, 2003, the County of Weld, Colorado (Weld), filed this application requesting authority to install grade crossing warning devices consisting of automatic flashing light signals with gates, bell, at the crossing of the Great Western Railway of Colorado, L.L.C. (GWRR) mainline track across Weld County Road (WCR) 13, north of WCR 38, at railroad milepost 12.63, National Inventory I.D. No. 849-344M, located in Weld, Colorado.

2. On March 26, 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. This Notice was mailed March 26, 2003.

4. On March 28, 2003, Colorado Department of Transportation (CDOT) filed its Entry of Appearance and Notice of Intervention.

5. On April 11, 2003, the Gaddis Family LLLP filed its Entry of Appearance and Notice of Intervention. Said Entry of Appearance and Notice of Intervention was withdrawn on December 5, 2003.

6. On November 24, 2003, the Commission received a copy of the fully executed Agreement by and between CDOT, Weld, and GWRR, dated June 19, 2003, 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 the Applicant 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 automatic flashing light signals with gates and bell at the crossing of the GWRR. mainline track across WCR 13, north of WCR 38, at railroad milepost 12.63, National Inventory I.D. No. 849-344M, located in Weld, Colorado.

10. The average daily vehicular traffic count at the existing WCR 13 crossing is approximately 1000 vehicles per day. There are currently 6 to 12 freight trains per week operating over the crossing.

11. The proposed warning devices will consist of flashing light signals with gates and a bell. The current protection of the crossing is by cross bucks and stop signs.

12. 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, Weld, and the GWRR dated June 19, 2003. The total cost of the railroad grade crossing warning device portion of the project is \$168,835.

13. Maintenance of the roadway approaches to the crossing will be the responsibility of Weld. Maintenance of the crossing surface, roadbed, tracks, grade crossing warning devices, and appurtenances will be the responsibility of the GWRR.

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

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

**C. Conclusions On Findings Of Fact**

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

17. No intervention was received in opposition to this application. The application is noncontested and unopposed.

18. 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.

19. 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 Weld, Colorado is authorized and directed to install grade crossing warning devices consisting of flashing light signals with gates, and bell, at the crossing of the Great Western Railway Of Colorado, L.L.C. mainline track across Weld County Road 13, north of Weld County Road 38, at railroad milepost 12.63, National Inventory I.D. No. 849-357N, in Weld 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 June 19, 2003, by and between the Colorado Department of Transportation, the County of Weld, Colorado and the Great Western Railway of Colorado, L.L.C.

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 June 19, 2003, by and between the Colorado Department of Transportation, the County of Weld, Colorado and the Great Western Railway Of Colorado, L.L.C.

5. The Great Western Railway Of Colorado, L.L.C. shall maintain the warning devices at its own expense for the life of the crossing so protected.

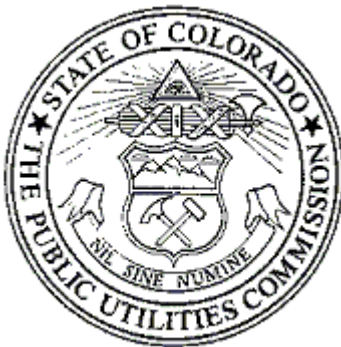
6. Upon completion of the installation of the grade crossing warning devices ordered herein, the Great Western Railway Of Colorado, L.L.C. shall notify the Commission in writing within ten days of the initial operation of the warning devices.

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  
December 22, 2003.**

(S E A L)



ATTEST: A TRUE COPY

*Bruce N. Smith*

**Bruce N. Smith  
Director**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

**GREGORY E. SOPKIN**

**POLLY PAGE**

**JIM DYER**

Commissioners