

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

DOCKET NO. 04A-088R

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IN THE MATTER OF THE APPLICATION OF THE TOWN OF PAONIA, COLORADO FOR AN ORDER AUTHORIZING THE INSTALLATION OF A PEDESTRIAN CROSSING TO BE CONSTRUCTED ON THE NORTH SIDE OF THE RIGHT-OF-WAY OF THE UNION PACIFIC RAILROAD COMPANY AND 2<sup>ND</sup> STREET (US DOT-AAA GRADE CROSSING ID NO. 254-062A AT UPRR MILEPOST 0406.03), TOWN OF PAONIA, COLORADO.

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**COMMISSION ORDER GRANTING APPLICATION**

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Mailed Date: April 28, 2004  
Adopted Date: April 13, 2004

**I. BY THE COMMISSION:**

**A. Statement**

1. On February 20, 2004, the Town of Paonia (Paonia), Colorado, filed an application for authority to construct a pedestrian-bicycle crossing on the north side of the right-of-way of the Union Pacific Railroad Company (UPRR), and 2<sup>nd</sup> Street at milepost 0406.03, in the Town of Paonia, Delta County, Colorado.

2. The Commission gave notice of the 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 March 2, 2004.

3. On March 12, 2004, the UPRR filed its Entry of Appearance and Notice of Intervention.

4. On March 15, 2004 the Colorado Department of Transportation 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 without a formal hearing, under § 40-6-109(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 uncontested, and the Applicant did not request a public hearing.

**B. Findings of Fact**

7. The Town of Paonia was granted authority to upgrade and install grade crossing warning devices at US DOT Grade Crossing ID No 254-062A, UPRR milepost 0406.03, in Public Utilities Commission (PUC) order C03-1186 adopted on October 20, 2003.

8. The purpose of this application is to secure Commission approval to also construct a pedestrian-bicycle crossing at this same location in conjunction with the crossing upgrade. The project consists of the construction of a minimum 4-foot wide pedestrian-bicycle concrete pathway.

9. According to the application, funding for the pathway project will be paid for jointly by Paonia and the Rail Transportation Mitigation Trust Fund.

10. Similarly, maintenance of the pedestrian-bicycle pathway will be the responsibility of Paonia.

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

**C. Conclusions**

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

13. The Commission will determine this matter 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.

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

**II. ORDER:**

**A. The Commission Orders That:**

1. The Town of Paonia, Delta County, Colorado, is authorized to construct a pedestrian-bicycle crossing at the Union Pacific Railroad Company tracks and 2<sup>nd</sup> Street, at railroad milepost 0406.03, in the Town of Paonia, Delta County, Colorado.

2. The construction authorized in Ordering Paragraph 1 above shall be in accordance with the plans, specifications, and exhibits submitted with the application which are hereby approved.

3. The construction and maintenance of the pedestrian-bicycle pathway shall be the responsibility of the Town of Paonia, Colorado.

4. The Union Pacific Railroad Company shall continue to maintain its railroad right-of-way.

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  
April 13, 2004**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners

COMMISSIONER JIM DYER  
ABSENT.