

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 01A-116R

IN THE MATTER OF THE APPLICATION OF THE MESA COUNTY, 750 MAIN STREET, GRAND JUNCTION, COLORADO, 81502; FOR AUTHORITY TO CONSTRUCT 30 ROAD AS A GRADE SEPARATION AT THE CROSSING OF THE ROADWAY WITH THE UNION PACIFIC RAILROAD COMPANY; IN MESA COUNTY, STATE OF COLORADO.

COMMISSION ORDER GRANTING APPLICATION

Mailed Date: July 15, 2004
Adopted Date: July 15, 2004

I. BY THE COMMISSION:

A. Statement

1. On March 9, 2001, the County of Mesa (Mesa) filed this application requesting authority to build a highway/railroad grade separation structure that carries 30 Road under the tracks of the Union Pacific Railroad Company (UPRR) at railroad milepost 445.31, National Inventory ID No. 921-187R, located in Grand Junction, Mesa County, Colorado.

2. On March 23, 2001, 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 adjacent property owners in accordance with § 40-6-108(2), C.R.S. The Notice was mailed March 23, 2001.

4. On March 26, 2001, Colorado Department of Transportation filed its Entry of Appearance and Notice of Intervention

5. On March 30, 2001, UPRR filed its Entry of Appearance and Notice of Intervention.

6. Received by the Commission as a late-filed exhibit on January 28, 2004, is a copy of the fully executed Contract dated May 1, 2002, by and between Mesa and UPRR, providing for construction, operation and maintenance of the highway/railroad grade separation structure of 30 Road under the tracks of UPRR located in Grand Junction, Mesa County, Colorado.

7. No protests, objections, or petitions to intervene in opposition were filed in this application. This application is uncontested and unopposed.

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

9. The Commission has reviewed the file and deems the application complete within the meaning of § 40-6-109.5 (3), C.R.S.

10. The Commission will determine this matter upon the record, without a formal oral hearing under § 40-6-109(5), C.R.S., and Commission Rules of Practice and Procedure No. 24, 4 CCR 723-1, because the application is uncontested and unopposed.

B. FINDINGS OF FACT

11. Notice of the proposed construction of the highway/railroad grade separation structure has been given by the Commission to all interested parties, including adjacent property owners.

12. Mesa is improving a portion of 30 Road located east of Grand Junction in Mesa County, Colorado. By this application, Mesa proposes to construct a highway/railroad grade separation structure that carries 30 Road under the mainline tracks of the UPRR at railroad

milepost 445.31, National Inventory ID No. 921-187R in Grand Junction, in Mesa County, Colorado.

13. 30 Road is a primary transportation corridor in Grand Junction, Colorado. It is currently a 3-lane north/south minor arterial. The new structure will be five lanes wide.

14. Average daily traffic on 30 Road at the project area is currently 13,950 per day and is projected to be about 16,950 vehicles per day in 2006. There are currently 14 train movements each day with maximum speed of 79 mph. and 10 switching movements per day. Train movements are expected to remain at the current level.

15. The estimated cost of the grade separation structure is \$5,984,916. Construction will consist of: piers, retaining walls, superstructure, lighting, fences, and communications relocations.

16. Maintenance of the new highway/railroad grade separation structure will be the responsibility of the Mesa and UPRR in accordance with the Contract by and between Mesa and UPRR dated May 1, 2002. Under the terms of this Contract, UPRR will continue to maintain its rails, ties, ballast, communications and signal facilities. Mesa will maintain the grade-separation structure, including but not limited to the super structure, substructure, waterproofing, piers, abutments, walls, approaches, backfill, grading, and drainage, as well as graffiti removal from the structure.

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

C. CONCLUSIONS ON FINDINGS OF FACT

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

19. The application is uncontested and unopposed.

20. The Commission will determine this matter on the record, without a formal hearing under § 40-6-109(5), C.R.S., and Commission's Rules of Practice and Procedure No. 24, 4 CCR 723-1.

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

II. ORDER

A. THE COMMISSION ORDERS THAT:

1. The County of Mesa is authorized to construct, operate and maintain a highway/railroad grade separation structure to carry 30 Road under the mainline tracks of the Union Pacific Railroad Company at railroad milepost 445.31, more or less, National Inventory ID No. 921-187R, located in Grand Junction, Mesa County, Colorado.

2. All work done shall be in accordance with the plans, specifications and exhibits submitted in this application and hereby approved.

3. The total actual cost of labor and material required for the highway/railroad grade separation structure authorized in ordering paragraph No. 1 above shall be paid in accordance with the Contract by and between the County of Mesa and the Union Pacific Railroad Company dated May 1, 2002.

4. Maintenance of the completed grade separation structure shall be in accordance with the Contract, dated May 1, 2002, by and between the County of Mesa and the Union Pacific Railroad Company.

5. The Commission retains jurisdiction to make further orders as required in this matter.

6. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
JULY 15, 2004**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners