

Decision No. C04-0848

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-094R

IN THE MATTER OF THE APPLICATION OF THE COUNTY OF ROUTT, COLORADO, FOR AN ORDER AUTHORIZING THE INSTALLATION OF A RAIL-ROAD CROSSING PROTECTION DEVICE TO BE CONSTRUCTED ON THE RIGHT-OF-WAY OF THE UNION PACIFIC RAILROAD COMPANY AND ROUTT COUNTY ROAD 14 ADJACENT TO ROUTT COUNTY ROAD 205 (DOT CROSSING NO 253-672E) STEAMBOAT SPRINGS, COLORADO.

DOCKET NO. 04A-189R

IN THE MATTER OF THE APPLICATION OF MORGAN COUNTY, COLORADO FOR AN ORDER AUTHORIZING THE INSTALLATION OF SIGNAL LIGHTS AND OTHER PROTECTIVE DEVICES TO BE CONSTRUCTED ACROSS THE TRACKS AND RIGHT-OF-WAY OF THE BURLINGTON NORTHERN SANTA FE RAILROAD COMPANY AT DOT #57262S ON COUNTY ROAD 25 IN BRUSH, MORGAN COUNTY, COLORADO.

DOCKET NO. 04A-200R

IN THE MATTER OF THE APPLICATION OF THE CITY OF AURORA, COLORADO FOR AUTHORITY TO TIE TRAFFIC SIGNAL RAILROAD INTERCONNECT EQUIPMENT FOR TRAFFIC SIGNALS AT SMITH ROAD AND TOWER ROAD INTO THE UNION PACIFIC RAILROAD COMPANY SIGNAL BOX AT TOWER ROAD.

COMMISSION ORDER CONSOLIDATING DOCKETS

Mailed Date: July 27, 2004
Adopted Date: July 15, 2004

I. BY THE COMMISSION**A. Statement**

1. Routt County, Morgan County, and the City of Aurora submitted applications for authority to install or upgrade rail crossing protective devices, on March 24, 2004, April 15 and 26, 2004, respectively.

2. All three applications state that it is expected that a portion of the cost of each project will be paid from funds in the Highway Crossing Protection Fund (Fund) created in § 40 29-116, C.R.S.

3. Pursuant to § 40-4-106, C.R.S., each of these applications was referred to an administrative law judge to determine how costs will be allocated between the municipality, the appropriate railroad, and the Fund.

4. In Docket No. 04A-189R, 70 percent, or \$194,873 of the \$278,390 total cost is expected to come from the Fund.

5. In Docket No. 04A-200R, 70 percent, or \$98,357 of the \$140,510 total cost is expected to come from the Fund.

6. In Docket No. 04A-094R, it is expected that 70 percent of the total cost will be paid by the Fund (the total cost has not yet been finalized).

7. There could be additional applications for Fund monies during the fiscal year.

8. The Fund does not have enough dollars available to pay for all of the demands upon it. In order to determine how monies in the Fund should be allocated, we believe that it would be helpful to consolidate all three of the above dockets into one docket. The Colorado

Rules of Civil Procedure (CRCP) allow for consolidation of dockets when there is a common question of law or fact in the cases to be consolidated. CRCP 42 (a).

9. All three dockets involve the question of cost allocation pursuant to criteria established by the General Assembly in § 40-4-106(b), C.R.S. We believe that consolidating the dockets will allow for a more efficient cost allocation in each case, and better use of scarce Fund monies.

II. ORDER

A. The Commission Orders That:

1. Dockets Nos. 04A-094R, 04A-189R, and 04A-200R are hereby consolidated.
2. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the Commission mails or serves this Order.
3. This Order is effective on its Mailed Date.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners