

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 02A-166R

IN THE MATTER OF THE APPLICATION OF THE COUNTY OF EL PASO, STATE OF COLORADO, FOR AUTHORITY TO INSTALL SIGNALS AND GATES AT THE CROSSING OF THE UNION PACIFIC RAILROAD AND OLD PUEBLO ROAD, COUNTY OF EL PASO, STATE OF COLORADO.

COMMISSION ORDER GRANTING APPLICATION

Mailed Date July 29, 2004
Adopted Date: July 27, 2004

I. BY THE COMMISSION

A. Statement

1. On March 4, 2002, the County of El Paso, Colorado (El Paso) filed this application requesting authority to install grade crossing warning devices consisting of flashing light signals with gates, bells, and constant warning devices at the crossing of Old Pueblo Road, across the tracks and right-of-way of the Union Pacific Railroad Company (UPRR) at railroad milepost 93.05, National Inventory I.D. No. 253-127M, in the County of El Paso, Colorado.

2. 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 March 8, 2002.

3. On March 8, 2002, the Staff of the Commission filed an Entry of Appearance and Notice of Intervention.

4. On March 20, 2002, the Colorado Department of Transportation (CDOT) filed an Entry of Appearance and Notice of Intervention.

5. On March 25, 2002, UPRR filed an Entry of Appearance and Notice of Intervention.

6. On June 10, 2002, the Commission received a copy of the fully executed Agreement by and between CDOT, El Paso, and UPRR, dated April 5, 2002, pertaining to the construction, maintenance, and funding for this project.

7. None of the interveners opposed the application.

8. 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.

B. Findings of Fact

9. The purpose of this application is to secure Commission approval to install grade crossing warning devices consisting of flashing light signals with gates, bells, and constant warning devices at the crossing of Old Pueblo Road across the tracks and right-of-way of the UPRR at railroad milepost 93.05, National Inventory I.D. No. 253-127M, in the County of El Paso, Colorado.

10. The average daily vehicular traffic count on Old Pueblo Road at the existing crossing is approximately 500 vehicles per day. There are currently 30 trains per day with a timetable speed of 55 mph.

11. 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 Contract by and between the CDOT, El Paso, and UPRR dated April 5, 2002. The estimated cost of the project is \$149,215.

12. Maintenance of the roadway approaches to the crossing will be the responsibility of El Paso, and maintenance of the crossing surface, roadbed, tracks, grade crossing warning

devices, and appurtenances will be the responsibility of UPRR, as covered in the Contract by and between the CDOT, El Paso, and UPRR dated April 5, 2002.

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

C. Conclusions

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

15. 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, because the application is unopposed.

16. 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 El Paso, Colorado is authorized to install grade crossing warning devices consisting of flashing light signals with gates, bells, and constant warning devices at the crossing of Old Pueblo Road, across the tracks and right-of-way of the Union Pacific Railroad Company at railroad milepost 93.05, National Inventory I.D. No. 253-127M, in the County of El Paso, 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 April 5, 2002, by and between the Colorado Department of Transportation, the County of El Paso, Colorado and the Union Pacific Railroad Company.

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 April 5, 2002, by and between the Colorado Department of Transportation, the County of El Paso, Colorado and the Union Pacific Railroad Company.

5. The Union Pacific Railroad Company shall maintain the warning devices at its own expense for the life of the crossing so protected.

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

7. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
July 27, 2004**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners