

Decision No. C04-0903

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.

DOCKET NO. 04A-374R

IN THE MATTER OF THE APPLICATION OF THE COUNTY OF JEFFERSON FOR AUTHORITY TO WIDEN AND SIGNALIZE THE RAILROAD HIGHWAY CROSSINGS OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY AT MCINTYRE STREET IN THE COUNTY OF JEFFERSON, STATE OF COLORADO.

COMMISSION ORDER CONSOLIDATING DOCKETS

Mailed Date: August 5, 2004

Adopted Date: July 27, 2004

I. BY THE COMMISSION

A. Statement

1. Jefferson County submitted an application for authority to install or upgrade rail crossing protective devices, on July 19, 2004.

2. The application states that it is expected that a portion of the cost of the 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., this application must be referred to an administrative law judge to determine how costs will be allocated between the municipality, the appropriate railroad, and the Fund.

4. Three other dockets requesting Fund dollars have been consolidated to distribute the limited resources available in the Fund: Docket No. 04A-189R, Docket No. 04A-200R, and Docket No. 04A-094R.

5. 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 this matter with the other three consolidated dockets. 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).

6. All the 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. Docket No. 04A-374R is hereby consolidated with Docket Nos. 04A-094R, 04A-189R, and 04A-200R.
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 COMMISSIONERS' WEEKLY MEETING July 27, 2004.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

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