

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 02A-192R

IN THE MATTER OF THE APPLICATION OF WELD COUNTY, BY AND THROUGH ITS COUNSEL, TO CONSTRUCT CROSSING SIGNALS AND GATES AT THE EXISTING GRADE CROSSING OF WELD COUNTY ROAD 51 AND THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY, DOT NUMBER 057212N, AT MILEPOST 509.1 ON THE BRUSH SUBDIVISION, EAST OF THE TOWN OF HUDSON, IN WELD COUNTY, COLORADO.

COMMISSION ORDER GRANTING APPLICATION

Mailed Date August 27, 2004
Adopted Date: August 25, 2004

I. BY THE COMMISSION

A. Statement

1. On March 18, 2002, the County of Weld, Colorado (Weld), filed this application requesting authority to install grade crossing warning devices consisting of automatic flashing light signals with gates, bell, at the crossing of the Burlington Northern and Santa Fe Railway Company (BNSF) on the Brush Subdivision track across Weld County Road (WCR) 51, at railroad milepost 509.1, National Inventory I.D. No. 057-212N, located east of the town of Hudson in Weld County, Colorado.

2. On March 25, 2002, 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 the adjacent property owners, in accordance with § 40-6-108(2), C.R.S. This Notice was mailed March 25, 2002.

4. On March 27, 2002, Colorado Department of Transportation (CDOT) filed its Entry of Appearance and Notice of Intervention.

5. On April 3, 2002, BNSF filed its Entry of Appearance and Notice of Intervention.

6. On August 6, 2004, the Commission received a copy of the fully executed Agreement by and between Weld, and BNSF, dated July 19, 2004, pertaining to the construction, maintenance, and funding for this project.

7. 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

8. The purpose of this application is to secure Commission approval to install grade crossing warning devices consisting of automatic flashing light signals with gates and bell at the crossing of the BNSF mainline track across WCR 51, at railroad milepost 509.1, National Inventory I.D. No. 057-212N, located east of Hudson in Weld County, Colorado.

9. The average daily vehicular traffic count at the existing WCR 51 crossing is approximately 525 vehicles per day and anticipated to increase due to continued development in the area. There are currently 25 to 30 freight trains per day operating over the crossing.

10. The current protection of the crossing is by cross bucks and stop signs.

11. The work to be done and the expenses therefor will be paid in accordance with the Agreement by and between Weld and the BNSF dated July 19, 2004. The total cost of the railroad grade crossing warning device portion of the project is \$116,235.

12. Maintenance of the roadway approaches to the crossing, pavement markings, and other traffic control signs will be the responsibility of Weld. Maintenance of the crossing

surface, roadbed, tracks, grade crossing warning devices, and appurtenances will be the responsibility of the BNSF.

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.

15. No intervention was received in opposition to this application. The application is uncontested and unopposed.

16. The Commission will determine this matter on the record, 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.

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

II. ORDER

A. The Commission Orders That:

1. The County of Weld, Colorado is authorized and directed to install grade crossing warning devices consisting of flashing light signals with gates, and bell, at the crossing of the Burlington Northern and Santa Fe Railway Company Brush Subdivision track across Weld County Road 51, at railroad milepost 509.1, National Inventory I.D. No. 849-357N, east of Hudson, in Weld County, 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 July 19, 2004, by and between the County of Weld, Colorado and the Burlington Northern and Santa Fe Railway 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 July 19, 2004, by and between the County of Weld, Colorado and the Burlington Northern and Santa Fe Railway Company

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

6. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, re-argument, or reconsideration begins on the first day following the effective date of this Order.

7. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
August 25, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners