

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-311R

IN THE MATTER OF THE APPLICATION OF THE COLORADO DEPARTMENT OF TRANSPORTATION FOR AUTHORITY TO INSTALL FLASHING LIGHT SIGNALS WITH AUTOMATIC GATE ARMS, AND INSTALL TEMPORARY AT-GRADE CROSSING DURING CONSTRUCTION AT THE CROSSING OF THE GREAT WESTERN RAILWAY OF COLORADO TRACK ON STATE HIGHWAY 257 AT THE INTERSECTION OF STATE HIGHWAY 60 AND COUNTY ROAD 21 IN THE TOWN OF MILLIKEN, WELD COUNTY, COLORADO.

COMMISSION ORDER GRANTING APPLICATION

Mailed Date: October 19, 2004
Adopted Date: October 14, 2004

I. BY THE COMMISSION

A. Statement

1. On June 9, 2004, the Colorado Department of Transportation filed this application requesting authority to remove grade crossing warning devices and install new flashing light signals with gates, new medians, cantilever warning light, constant warning circuits, new cabin and worst case scenario timing; and to install a temporary crossing to use during the upgrade at the crossing of State Highway 257 across the tracks and right-of-way of The Great Western Railway Company (GWRR) at railroad milepost 1.92, National Inventory I.D. No. 872-103G, in the Town of Milliken, Weld County, Colorado.

2. The Commission gave notice of this application to all interested parties, including the adjacent property owners, in accordance with § 40-6-108(2), C.R.S. This Notice was mailed July 2, 2004.

3. No party filed an Entry of Appearance and Notice of Intervention.

4. On October 12, 2004, the Commission received a copy of the fully executed Agreement by and between CDOT, and GWRR, dated October 5, 2004, pertaining to the construction, maintenance, and funding for this project.

5. 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

6. The purpose of this application is to secure Commission approval to remove existing grade crossing warning devices and install new flashing light signals with gates, new medians, cantilever warning light, constant warning circuits, and a new cabin at the crossing of State Highway 257 across the tracks and right-of-way of GWRR at railroad milepost 1.92, National Inventory I.D. No. 872-103G in the Town of Milliken, Weld County, Colorado. The interconnect with traffic signals at the crossing of State Highway 257 and State Highway 60 will employ worst case scenario timing. The application also requests authority to install a temporary crossing for emergency service vehicles to use only during this crossing upgrade.

7. The GWRR operates approximately four (4) trains per week over the crossing at a maximum timetable speed of 15 mph. The average daily vehicular traffic (ADT) over the crossing in 2004 is 3,618 vehicles per day with a projected ADT of 7,743 in 2025.

8. The work to be done and the expenses therefor will be paid in accordance with an agreement by and between CDOT, Town of Milliken, and GWRR dated October 5, 2004. The total estimated cost of project is \$275,458.08.

9. Maintenance of the roadway approaches to the crossing, the advance warning signs and pavement markings will be the responsibility of CDOT. Maintenance of the crossing

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

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

C. Conclusions

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

12. Because this application is uncontested, 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.

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

II. ORDER

A. The Commission Orders That:

1. The Colorado Department of Transportation is authorized to remove the existing grade crossing warning devices and install new flashing light signals with gates, new medians, cantilever warning light, constant warning circuits, new cabin and worst case scenario timing at the traffic signals at the intersection of State Highway 60 and State Highway 257; and to install a temporary crossing to use during the upgrade at the crossing of State Highway 257 across the tracks and right-of-way of The Great Western Railway Company at railroad milepost 1.92, National Inventory I.D. No. 872-103G, in the Town of Milliken, Weld County, Colorado..

2. The 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 October 5, 2004, by and between the Colorado Department of Transportation, and The Great Western Railway.

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 October 5, 2004, by and between the Colorado Department of Transportation, and The Great Western Railway.

5. The Great Western Railway 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
October 14, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners