

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-277R

IN THE MATTER OF THE APPLICATION OF THE COLORADO DEPARTMENT OF TRANSPORTATION FOR AUTHORITY TO DEMOLISH, CONSTRUCT, WIDEN AND MAINTAIN SEVEN GRADE-SEPARATED STRUCTURES AT RAIL-HIGHWAY CROSSINGS AT VARIOUS LOCATIONS WITHIN THE LIMITS OF THE CENTRAL COLORADO SPRINGS I-25 IMPROVEMENT PROJECT, ALONG I-25 FROM CIRCLE/LAKE INTERCHANGE TO THE BRIARGATE INTERCHANGE IN THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, STATE OF COLORADO.

**COMMISSION ORDER REFERRING TO AN
ADMINISTRATIVE LAW JUDGE AND SETTING FOR
HEARING**

Mailed Date: November 10, 2004

Adopted Date: November 3, 2004

I. BY THE COMMISSION:

A. Statement

1. On May 28, 2004, the Colorado Department of Transportation (CDOT) filed an application requesting authority to upgrade seven (7) grade-separated rail crossings of the Union Pacific Railroad (UPRR) in order to accommodate the reconstruction of I-25 within the City of Colorado Springs, Colorado.

2. The Commission gave notice of this application to all interested parties, including adjacent property owners in accordance with § 40-6-108(2), C.R.S. The Notice was mailed June 24, 2004.

3. On July 30, 2004, the UPRR filed an Entry of Appearance and Notice of Intervention.

4. On October 6, 2004, the Staff of the Public Utilities Commission filed a Notice of Intervention and Entry of Appearance and Notice pursuant to Rules 9(d) and 24 (a) (1).

5. All design plans and specifications are to be submitted as late-filed exhibits as they are completed in the Design/Build phases.

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

7. The Commission now refers this application to an administrative law judge for determination of its merits, including the status of the final contract between the parties for construction and maintenance of the crossing.

II. ORDER

A. THE COMMISSION ORDERS THAT:

1. Docket No. 04A-277R is set for hearing before the Colorado Public Utilities Commission:

Date: March 10, 2005
Time: 9:00 A.M.
Place: Colorado Public Utilities Commission
Logan Tower, Office Level 2
1580 Logan Street
Denver, CO 80203

2. The assigned administrative law judge shall establish a procedural schedule for the filing of exhibits and testimony.

3. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
November 3, 2004**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners