

Decision No. R04-0524-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 01A-004R

IN THE MATTER OF THE COLORADO DEPARTMENT OF TRANSPORTATION FOR THE AUTHORITY TO CONSTRUCT A GRADE SEPARATION STRUCTURE OVER THE UNION PACIFIC RAILWAY COMPANY RAILROAD TRACKS, NEAR RAILROAD MILEPOST 18.47, MORE OR LESS, NEAR THE AT-GRADE CROSSING, NATIONAL INVENTORY ID NO. 253053X, AT TITAN ROAD IN DOUGLAS COUNTY, COLORADO.

DOCKET NO. 01A-005R

IN THE MATTER OF THE COLORADO DEPARTMENT OF TRANSPORTATION, FOR THE AUTHORITY TO CONSTRUCT A GRADE SEPARATION STRUCTURE OVER THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY RAILWAY COMPANY RAILROAD TRACKS, NEAR RAILROAD MILEPOST 718.46, MORE OR LESS, AND CLOSE THE AT GRADE CROSSING, NATIONAL INVENTORY ID NO. 003621F, AT TITAN ROAD NEAR SH 85 IN DOUGLAS COUNTY, COLORADO.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
KEN F. KIRKPATRICK
PLACING MOTION IN SUSPENSE**

Mailed Date: May 21, 2004

I. STATEMENT

1. On April 19, 2004, Intervenor Union Pacific Railroad Company (UP) filed its Motion to Enforce. By this motion the UP seeks to enforce a previous order of this Commission as well as a Stipulation accepted in that decision. On April 29, 2004, the Board of County Commissioners for Douglas County (County) filed its Response to the Motion to Enforce. The Response filed by the County requests that no action be taken on the Motion to Enforce and that the Commission allow the parties to continue to proceed with the work that is the subject of the motion.

2. A status conference call was held between counsel for the UP, the County, and the undersigned Administrative Law Judge on May 20, 2004. The parties indicated a willingness to place the motion in suspense until June 29, 2004, based upon the ongoing activities of the County. The UP will file a Motion to Set for Hearing or withdraw its Motion to Enforce no later than June 29, 2004.

II. ORDER

A. It Is Ordered That:

1. The Motion to Enforce filed April 19, 2004 by the Union Pacific Railroad Company shall be placed in suspense until June 29, 2004. The Union Pacific Railroad Company shall file by June 29, 2004 either a motion seeking to set the Motion to Enforce for hearing or a withdrawal of its Motion to Enforce.

2. This Order shall be effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge