

Decision No. R04-1336-I

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.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
MANA L. JENNINGS-FADER
SETTING HEARING ON SETTLEMENT,
ORDERING FILING, VACATING HEARING DATES,
AND VACATING PROCEDURAL SCHEDULE**

Mailed Date: November 10, 2004

I. STATEMENT

1. On March 4, 2004, the County of Routt (Routt) filed an application for a Commission order authorizing installation of a railroad crossing protection device (Routt Application). That application commenced Docket No. 04A-094R. On April 1, 2004, the Commission gave public notice of the Routt Application. The Union Pacific Railroad Company (UPRR) and Staff of the Commission (Staff) intervened.

2. On April 15, 2004, Morgan County filed an application for a Commission order authorizing installation of a railroad crossing protection device (Morgan Application). That application commenced Docket No. 04A-189R. On April 30, 2004, the Commission gave public notice of the Morgan Application. Burlington Northern and Santa Fe Railroad Company (BNSF) and Staff intervened.

3. On April 26, 2004, the City of Aurora filed an application seeking Commission authorization to tie traffic signal interconnect equipment into UPRR track circuit equipment (Aurora Application). That application commenced Docket No. 04A-200R. On May 5, 2004, the Commission gave public notice of the Aurora Application. UPRR and Staff intervened.

4. By Decision No. C04-0848, the Commission consolidated the Routt Application, the Morgan Application, and the Aurora Application for hearing before an Administrative Law Judge (ALJ).

5. On July 19, 2004, the County of Jefferson filed an application seeking Commission authorization to widen and to signalize railroad-highway crossings (Jefferson Application). That application commenced Docket No. 04A-374R. On July 27, 2004, the Commission gave public notice of the Jefferson Application. BNSF and Staff intervened.

6. By Decision No. C04-0903, the Commission consolidated the Routt Application, the Morgan Application, the Aurora Application, and the Jefferson Application for hearing by an ALJ.

7. This consolidated matter is assigned to the undersigned ALJ.

8. By Decision No. R04-1119-I the ALJ established two hearing dates and a procedural schedule in this consolidated proceeding. By Decision No. R04-1191-I the ALJ modified the procedural schedule. By this Order the ALJ vacates both the established hearing dates and the procedural schedule.

9. On November 9, 2004, Judge Isley held an ALJ-assisted mediation in this proceeding. *See* Decision No. R04-1124-I (establishing date and procedures for the mediation). Judge Isley has informed the undersigned ALJ that the mediation was successful and that the parties have reached an agreement settling these consolidated dockets.

10. The ALJ will hold a hearing on the settlement agreement on **December 1, 2004**. The purposes of the hearing are to have the parties state the agreement on the record and to create an evidentiary record on which to evaluate that agreement. To these ends the hearing will: (a) address whether any party has an objection to granting the Applications; (b) provide an opportunity for the receipt of documents necessary to assure that the most recent and complete information and plans (including all financial information) is in the Commission's evidentiary

record; and (c) address cost allocation as required by § 40-4-106(2)(b), C.R.S. This list is not exclusive and does not prevent the ALJ or a party from raising additional issues at the hearing.

11. The hearing will be in Denver, Colorado. Parties located outside the Denver Metropolitan Area may make arrangements to participate by telephone *provided* those arrangements are made no later than **November 24, 2004**. Please contact Mr. Lloyd Petersen (telephone: 303.894.2008) to make arrangements.

12. Judge Isley's order that Jefferson County and BNSF file, on or before **November 19, 2004**, a joint statement concerning the issue of whether BNSF has an obligation to pay any of the costs associated with the proposed Jefferson County project will be incorporated into this Order.

13. With the exception of counsel for Routt, the ALJ was able to contact all counsel and to inform them of this hearing by telephone on November 10, 2004. The ALJ was unable to reach counsel for Routt or to leave a message for him.

II. ORDER

A. It Is Ordered That:

1. The hearings scheduled in this matter for December 1 and 2, 2004, are vacated.
2. The procedural schedule established in Decision No. R04-1151-I and modified by Decision No. R04-1191-I is vacated.

3. Hearing in this docket is scheduled on the following date, at the following time, and in the following location:

DATE: December 1, 2004
TIME: 9:00 a.m.
PLACE: Commission Hearing Room
1580 Logan Street, OL2
Denver, Colorado

4. On or before November 19, 2004, Jefferson County and the Burlington Northern and Santa Fe Railroad Company shall file a joint statement concerning the issue of whether the Burlington Northern and Santa Fe Railroad Company has an obligation to pay any of the costs associated with the proposed Jefferson County project.

5. The parties shall follow the procedures stated above.

6. The parties shall be prepared to present, at the hearing, evidence concerning the matters identified above.

7. This Order is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge

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