

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

Docket No. 05A-361R

IN THE MATTER OF THE APPLICATION FOR THE CITY OF THORNTON, COLORADO, FOR THE AUTHORITY TO CONSTRUCT CANTILEVER LIGHT SIGNALS, AUTOMATIC GATE ARMS, AND CONCRETE PAD CROSSING SURFACE AT THE CROSSING OF THE UNION PACIFIC RAILROAD TRACKS ON 144TH AVENUE

**JOINT MOTION FOR TEMPORARY VARIANCE
FROM CROSSING SURFACE WIDTH
REQUIREMENT OF RAIL RULE 7211(b)**

The City of Thornton, State of Colorado ("City"), and the Regional Transportation District ("RTD") (together "Movants") hereby move the Public Utilities Commission ("PUC") for a temporary variance from the requirements of Rail Rule 7211(b) concerning crossing surface width at the crossing of tracks at 144th Avenue (the "Crossing") that is the subject of this action as follows:

1. On August 24, 2005, the City filed an application requesting authority to construct cantilever light signals, automatic gate arms, and a concrete pad crossing surface at the crossing of the Union Pacific Railroad Company ("UPRR") line at 144th Avenue. These improvements were intended to accommodate a road widening to support projected development along 144th Avenue.

2. On October 7, 2005, the Commission reviewed the record in this matter and deemed the application complete and granted the application, within the meaning of §40-6-109.5, C.R.S., and authorized and ordered Thornton to proceed with construction of the improvements at the UPRR mainline track crossing at 144th Avenue. Since then RTD has acquired the UPRR track for future use as part of RTD's planned North Metro Corridor, though UPRR still utilizes the track pursuant to easement.

3. Currently, 144th Avenue is a two-lane 24-foot wide asphalt road, classified as a rural minor arterial. The standard railroad cross-buck signs, automated gates and lights that existed when the application in this matter was filed in 2005 are in place and operating at the crossing.

4. As of this date, a concrete pad crossing and two pedestrian pads ("Completed Improvements") wide enough to accommodate the projected road widening have been installed. However, the anticipated development, and concomitant road widening have not occurred, leaving the Completed Improvements wider than the traveled surface of the road.

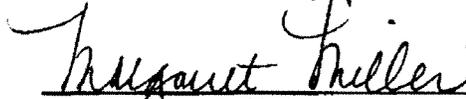
5. Improvements similar to the Completed Improvements would need to be installed at the Crossing as part of the RTD North Metro Corridor construction, which could possibly start in 2013. The Movants are Colorado government entities and wish to avoid the waste that would result from demolition and possible subsequent reconstruction of that part of the Completed Improvements wider than the surfacing of the adjacent highway.

6. The Movants request that the Commission grant a variance from the requirement of Rail Rule 7211(b) stating that the crossing surface shall be the same width as the pavement of the adjacent highway so as to allow the Completed Improvements to remain temporarily. The Movants stipulate that, at its sole cost, Thornton shall install Type 3 Barricades as depicted in Exhibit A attached hereto. Thornton shall also install and maintain advance railroad grade pavement markings and edge line pavement markings ("Pavement Markings") at the crossing by August 2012. Thornton requests such additional time to install such Markings due to weather this time of year since when paint is applied after the first coating of ice slicer, the marking paint does not adhere well. In the event RTD has not filed an application for modification of the crossing by March 1, 2014, the City shall remove the Completed Improvements at its sole cost by May 1, 2014.

WHEREFORE, the Movants request the Public Utilities Commission enter an order approving a temporary variance from the Rail Rule 7211(b) requirement the crossing surface be the same width as the surfacing material in the approaches to the adjacent highway; provided that the Type 3 Barriers and Pavement Markings are installed as requested and further allowing the existing concrete pad crossing and the two pedestrian pads that have been installed to remain in place through April, 2014 and after that time, requiring them to be removed by the City at the City's cost unless the crossing is then subject to an application for modification of the crossing for the RTD FasTracks North Metro Line.

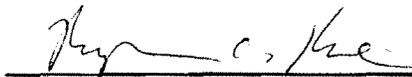
Respectfully submitted this 26th day of October, 2011.

CITY OF THORNTON, COLORADO



Margaret Miller, #17537
Senior Assistant City Attorney for
the City of Thornton
9500 Civic Center Drive
Thornton, Colorado 80229-4326
(303) 538-7210
(303) 538-7427 (FAX)

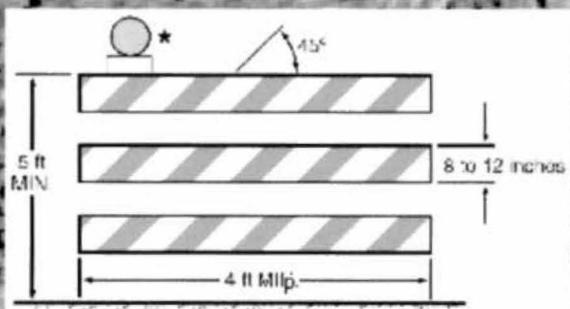
REGIONAL TRANSPORTATION DISTRICT



Roger C. Kane, #15083
1600 Blake Street
Denver, Colorado 80202
(303) 299-2209
(303) 299-2217 (FAX)

RTD Crossing at East 144th Avenue

Type III Barricade Option



TYPE 3 BARRICADE **

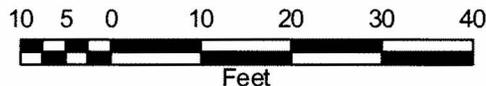
- * Warning lights (optional)
- ** Rail stripe widths shall be 6 inches, except that 4-inch wide stripes may be used if rail lengths are less than 36 inches. The sides of barricades facing traffic shall have retroreflective rail faces.

**Type III
Barricade**

**Type III
Barricade**



CITY OF THORNTON
12450 WASHINGTON ST
THORNTON, CO 80241
(720) 977-6200



PROPRIETARY INFORMATION - - NOT FOR RESALE
Digital Data Produced by the City of Thornton GIS Project. This map is representational only, and does not determine exact locations or boundaries of any districts or properties. It is not intended to be relied upon for any legal descriptions or other land use documents.

September 23, 2011
1 inch = 20 feet

City of Thornton