

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 00A-408R

IN THE MATTER OF THE APPLICATION OF THE COLORADO DEPARTMENT OF TRANSPORTATION, FOR AUTHORITY TO REPLACE AND WIDEN STATE HIGHWAY 50C BRIDGE STRUCTURE OVER THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY TRACKS, AT RAILROAD MILE POST 120.91, MORE OR LESS, LOCATED IN PUEBLO COUNTY, COLORADO.

COMMISSION ORDER GRANTING APPLICATION

Mailed Date: January 16, 2004
Adopted Date: January 14, 2004

I. BY THE COMMISSION:

A. Statement

1. On June 22, 2000, the Colorado Department of Transportation (CDOT) filed this application requesting authority to replace the existing highway/railroad grade separation structures (No. L-18-L) that carries State Highway 50C over the tracks of The Burlington Northern and Santa Fe Railway Company (BNSF) at railroad milepost 120.91, National Inventory ID No. 245-054J, in Pueblo County, Colorado.

2. On July 26, 2000, the Staff of the Commission filed its Entry of Appearance and Notice of Intervention.

3. The Commission gave notice of this application together with a copy of the application, to all interested parties, including adjacent property owners in accordance with § 40-6-108(2), C.R.S. The Notice was mailed July 26, 2000.

4. On August 2, 2000, the Colorado Department of Transportation (CDOT) filed its Entry of Appearance and Notice of Intervention.

5. On August 2, 2000, the BNSF filed its Entry of Appearance and Notice of Intervention.

6. Received by the Commission as a late-filed exhibit on September 13, 2000, is a copy of the fully executed Agreement dated September 5, 2000, by and between CDOT and BNSF, providing for construction, operation and maintenance of the highway/railroad grade separation structure (No. L-18-BE) of SH 50C over the tracks of BNSF located in the Pueblo County, Colorado.

7. No protests, objections, or petitions to intervene in opposition were filed in this application. This application is noncontested and unopposed.

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

9. CDOT waived the time limits set forth in § 40-6-109.5 (1) and (2), C.R.S., for this application.

10. The Commission has reviewed the file and deems the application to be complete within the meaning of § 40-6-109.5 (3), C.R.S.

11. The Commission will determine this matter upon the record, without a formal oral hearing under § 40-6-109(5), C.R.S., and Commission Rules of Practice and Procedure No. 24, 4 CCR 723-I, because the application is noncontested and unopposed.

B. FINDINGS OF FACT

12. Notice of the proposed construction of the highway/railroad grade separation structure has been given by the Commission to all interested parties, including adjacent property owners. No intervenor who filed a petition to intervene or other pleading contested or opposed the application.

13. CDOT is improving a portion of SH 50C located in Pueblo County, Colorado. By this application, CDOT proposes to replace the existing highway/railroad grade separation structures (No. L-18-L) that carry SH 50C over the mainline tracks of the BNSF at railroad milepost 120.91, National Inventory ID No. 245-054J with a new structure (No.L-18-BE) located at railroad milepost 120.91, in Pueblo.

14. The existing grade separation, built in 1936 is 150' in length and 56'- 10" in width. The new structure will be 115'- 6" in length and will vary from 128'-4 ½" in width at abutment 1 to 123'-11 1/8" at abutment 2. The new structure will provide for two thru lanes, an auxiliary lane, a 6' shoulder, curb and gutter, a sidewalk, and bridge rail for each direction of travel plus a left turn lane for westbound travel. The minimum vertical clearance from the top of the rail to the bottom of the structure will be 23'-0" which exceeds the Commission's minimum requirement of 22'-6". The structure will clear span the BNSF 100' wide right of way.

15. Average daily traffic on SH 50C at the project area in 1998 was 25,100 vehicles per day and is projected to be 33,000 vehicles per day in 2020. The posted speed limit is 45 mph. There are approximately 25 train movements each day with an estimated speed of 20 mph.

16. The estimated cost of the grade separation structure including removal of the existing structure is \$11,000,000. Construction will consist of: embankment support walls, abutments, substructure and superstructure.

17. Maintenance of the new highway/railroad grade separation structure will be the responsibility of the CDOT in accordance with the agreement by and between CDOT and BNSF dated September 5, 2000. Under the terms of this agreement, BNSF will continue to maintain its roadbed, train communication and signal lines, tracks, and appurtenances. CDOT will maintain the overpass structure including the deck, bridge rail, substructure abutments, approach slabs, and drainage system.

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

19. The public safety, convenience and necessity require, and will be served, by the granting of this application as hereinafter ordered.

C. CONCLUSIONS ON FINDINGS OF FACT

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

21. No intervenor who filed a petition to intervene or other pleading contested or opposed the application. The application is noncontested and unopposed.

22. The Commission will determine this matter on the record, without a formal hearing under § 40-6-109(5), C.R.S., and Commission's Rules of Practice and Procedure No. 24, 4 CCR 723-1.

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

II. ORDER

A. THE COMMISSION ORDERS THAT:

1. The Colorado Department of Transportation is authorized to construct, operate and maintain a highway/railroad grade separation structure to carry State Highway 50C over the tracks of The Burlington Northern and Santa Fe Railway Company at railroad milepost 120.91, National Inventory ID No. 245-054J, in Pueblo County, Colorado.

2. All work done shall be in accordance with the plans, specifications and exhibits as revised, submitted in this application and hereby approved.

3. The total actual cost of labor and material required for the highway/railroad grade separation structure authorized in ordering paragraph No. 1 above shall be paid in accordance with the Agreement by and between the Colorado Department of Transportation and The Burlington Northern and Santa Fe Railway Company dated September 5, 2000.

4. Maintenance of the completed grade separation structure shall be in accordance with the Agreement, dated September 5, 2000, by and between the Colorado Department of Transportation and The Burlington Northern and Santa Fe Railway Company.

5. The Commission retains jurisdiction to make further orders as required in this matter.

6. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
JANUARY 14, 2004**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners