

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 02A-383R

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IN THE MATTER OF THE COLORADO DEPARTMENT OF TRANSPORTATION, FOR  
AUTHORITY TO INSTALL NEW FLASHING LIGHT SIGNALS WITH AUTOMATIC GATE  
ARMS AT THE CROSSING OF THE BURLINGTON NORTHERN SANTA FE RAILROAD  
TRACK AT UNITED STATES HIGHWAY 85 AND STATE HIGHWAY 67 NEAR SEDALIA,  
DOUGLAS COUNTY, COLORADO.

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**COMMISSION ORDER GRANTING APPLICATION**

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Mailed Date: January 29, 2004

Adopted Date: January 21, 2004

**I. BY THE COMMISSION**

**A. Statement**

1. On July 16, 2002, the Colorado Department of Transportation (CDOT) filed this application requesting authority to widen the crossing and install new grade crossing warning devices consisting of flashing light signals with gates, bells, and constant warning devices that are interconnected to and preempt the new traffic signal at the intersection of SH 85 and SH 67, at the crossing of SH 67 across the tracks and right-of-way of The Burlington Northern and Santa Fe Railway Company (BNSF) at railroad mile post 24.57, National Inventory I.D. No. 003-612G in Sedalia, Douglas County, Colorado.

2. On July 24, 2002, 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 the adjacent property owners, in accordance with § 40-6-108(2), C.R.S. (1993). This Notice was mailed July 24, 2002.

4. On August 6, 2002, BNSF filed its Entry of Appearance and Notice of Intervention.

5. On August 9, 2002, the CDOT filed its Entry of appearance and Notice of Intervention.

6. On January 9, 2003, the Commission received a copy of the fully executed Agreement by and between CDOT and BNSF, dated January 8, 2003, pertaining to the construction, maintenance, and funding for this project.

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

8. The Commission has reviewed the record in this matter and deems that the application is now complete within the meaning of § 40-6-109.5, C.R.S.

9. The Commission will determine this matter upon the record, without a formal hearing under § 40-6-109(5), C.R.S., and Rule 24, Commission Rule of Practice and Procedure, 4 *Colorado Code of Regulations* (CCR) 723-1, because the application is noncontested and the Applicant did not request a public hearing.

**B. Findings of Fact**

10. CDOT is constructing a major widening and improvement project on SH 85 in the vicinity of Sedalia. This project includes reconfiguration and improvements to the intersection of SH 67 and SH 85. Just east of this intersection, SH 67 crosses the mainline tracks of BNSF. The intersection improvements extend westward over the crossing to Platte Avenue.

11. The purpose of this application is to secure Commission approval to widen the crossing and install new grade crossing warning devices consisting of flashing light signals with gates, bells, and constant warning devices that are interconnected to and preempt the new traffic signal at the intersection of SH 85 and SH 67, at the crossing of SH 67 across the tracks and right-of-way of BNSF at railroad mile post 24.57, National Inventory I.D. No. 003-612G in Sedalia, Douglas County, Colorado.

12. The average daily vehicular traffic count for SH 67 is 572 with an approximate increase to 2,810 in 2020. There are approximately 15 train movements per day with a maximum speed of 45 mph.

13. SH 67, at the crossing, will be widened to include two travel lanes in each direction with a raised median, curb and gutter and sidewalks on both sides. The proposed warning devices will consist of train-activated flashing light signals with gates and bells. A mast mounted flashing light unit will be located in the median on both sides of the tracks. Track circuits will be constant warning devices. The grade crossing warning devices will be interconnected to the intersection traffic signals. Upon the approach of a train from either

direction the grade crossing warning device will preempt the traffic signal, causing the controller to initiate a track clearance phase and railroad phase before the train enters the crossing.

14. The work to be done and the expenses therefor will be paid in accordance with the appropriate rules and regulations of the Federal Government and are covered by an agreement by and between CDOT, and the BNSF dated January 8, 2003. The total cost of the CDOT project, including the railroad work is \$7,142,000. The BNSF grade crossing portion of the project is \$279,238

15. Maintenance of the roadway approaches to the crossing and the traffic signal at the intersection of SH 67 and SH 85 will be the responsibility of CDOT, maintenance of the crossing surface, roadbed, tracks, grade crossing warning devices, and appurtenances will be the responsibility of BNSF.

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

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

**C. Conclusions On Findings Of Fact**

18. The Commission has jurisdiction in this matter under § 40-4-106(2)(a) and (3)(a), C.R.S. (1993).

19. No intervention was received in opposition to this application. The application is noncontested and unopposed.

20. The Commission will determine this matter on the record, without a formal hearing, under §40-6-109(5), C.R.S. (1993) and Rule 24, Commission Rules of Practice and Procedure, 4 CCR 723-1.

21. 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 widen the crossing and install new grade crossing warning devices consisting of flashing light signals with gates, bells, and constant warning devices that are interconnected to and preempt the new traffic signal at the intersection of SH 85 and SH 67, at the crossing of SH 67 across the tracks and right-of-way of The Burlington Northern and Santa Fe Railway Company at railroad mile post 24.57, National Inventory I.D. No. 003-612G in Sedalia, Douglas County, Colorado.

2. Installation of the warning devices authorized in Ordering Paragraph 1 above shall be in accordance with the plans, specifications, and exhibits submitted in this application and hereby approved.

3. The installation, operation, and maintenance of the crossing warning devices shall comply with the Agreement dated January 8, 2003, by and between the Colorado Department of Transportation and The Burlington Northern and Santa Fe Railway Company.

4. The total actual cost of labor and material required for installation of the grade crossing warning devices shall be paid in accordance with the Agreement dated January 8, 2003, by and between the Colorado Department of Transportation and The Burlington Northern and Santa Fe Railway Company.

5. The Burlington Northern and Santa Fe Railway Company shall maintain the warning devices at its own expense for the life of the crossing so protected.

6. The Burlington Northern and Santa Fe Railway Company shall notify the Commission in writing within 10 days of the completion of the installation of the grade crossing devices.

7. The Commission retains jurisdiction to enter further required orders.

8. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
January 21, 2004.**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners