

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 01A-001R

IN THE MATTER OF THE APPLICATION OF THE COUNTY OF ADAMS, STATE OF COLORADO, FOR AUTHORITY TO UPGRADE THE CROSSING OF THE UNION PACIFIC RAILROAD AT COUNTY ROAD 144TH AVENUE EAST OF YORK STREET IN ADAMS COUNTY, COLORADO.

COMMISSION ORDER GRANTING APPLICATION

Mailed Date: January 30, 2004
Adopted Date: January 28, 2004

I. BY THE COMMISSION:

A. Statement

1. On December 28, 2000, the County of Adams, State of Colorado (Adams), filed this application requesting authority to install grade crossing warning devices consisting of flashing light signals with gates, bells, and devices at the intersection of 144th Avenue and the Union Pacific Railroad Company (UPRR) Boulder Industrial Lead tracks east of York Street at Milepost 11.4, National Inventory I.D. No. 804-306C in Adams County, Colorado.

2. On January 4, 2001, 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. This Notice was mailed January 4, 2001.

4. On January 17, 2001, the UPRR filed its Entry of Appearance and Notice of Intervention.

5. On January 19, 2001, the City of Thornton (Thornton) filed its Entry of Appearance and Notice of Intervention.

6. On January 23, 2001, the Commission received a copy of the fully executed Agreement by and between Adams, The Colorado Department of Transportation (CDOT) and UPRR, dated January 16, 2001, pertaining to the construction, maintenance, and funding for this project.

7. On February 8, 2001, the (CDOT) filed its Entry of Appearance and Notice of Intervention.

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

9. 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.

10. The Commission will determine this matter upon the record, without a formal hearing under § 40-6-109(5), C.R.S., and Rule 24, of the Commission's Rules 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

11. The purpose of this application is to secure Commission approval to install flashing light signals with gates, bells, and constant warning devices at the crossing of 144th Avenue and the UPRR Boulder Industrial Lead track at Milepost 11.4, National Inventory I.D. No. 804-306C in Adams County, Colorado. In addition, an advance warning flasher will be

installed above the westbound advance warning sign that will be activated whenever the crossing warning devices are activated.

12. 144th Avenue is a two-lane asphalt-paved road that crosses the UPRR track at a 90 degree angle, 850 feet east of York Street. The existing crossing is protected by crossbuck signs and stop signs, advanced railroad crossing warning signs and advanced railroad crossing pavement markings.

13. The average daily vehicular traffic count on 144th Avenue across the UPRR tracks is 1,143 motor vehicles per day. There are currently an average of 2 freight trains per day, three times a week, with a timetable speed of 20 mph at the crossing. In the year 2005, it is projected that there will be 1650 motor vehicles and no increase in train traffic per day at the crossing.

14. Adams proposes to install warning devices consisting of flashing light signals with gates and warning bells. Track circuits will be constant warning devices that will provide a warning time of 30 seconds for the approach of a train from either direction at any authorized train speed.

15. Funding for the proposed grade crossing warning devices is available under Section 130 of Title 23 U.S.C., and, therefore, funding under § 40-4-106(2)(b), C.R.S. (1993), does not apply. There is no railroad cost sharing for this project because of the provisions of 49 C.F.R. 1.48.

16. The work to be done and the expenses thereof will be paid in accordance with the appropriate rules and regulations of the Federal Government and are covered by an Agreement by

and between Adams, CDOT, and the UPRR dated January 23, 2001. The estimated cost of the railroad portion of the work is \$137,651.

17. Maintenance of the roadway approaches to the crossing and the advance warning beacon will be the responsibility of Adams. Maintenance of the crossing surface, roadbed, tracks, grade crossing signals, gates, and appurtenances will be the responsibility of the UPRR.

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.

C. Conclusions on Findings of Fact

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

21. No intervention was received in opposition to this 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 Rule 24, of the Commission's Rules of Practice and Procedure, 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 County of Adams, State of Colorado is authorized to install grade crossing warning devices consisting of flashing light signals with gates, bells, and constant warning devices at the crossing of 144th Avenue across the Boulder Industrial Lead track of the Union Pacific Railroad Company, at Milepost 11.4, National Inventory I.D. No. 804-306C in Adams County, Colorado.

2. Installation of the warning devices authorized in 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 16, 2001 by and between Adams County, Colorado, the Colorado Department of Transportation, and the Union Pacific Railroad 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 16, 2001, by and between Adams County, Colorado, the Colorado Department of Transportation, and the Union Pacific Railroad Company.

5. The Union Pacific Railroad Company shall maintain the warning devices at its own expense for the life of the crossing so protected.

6. The County of Adams, State of Colorado shall maintain the advance warning beacon atop the westbound advance warning sign.

7. Upon completion of the installation of the grade crossing warning devices ordered herein, The Union Pacific Railroad Company shall notify the Commission in writing within ten days of the initial operation of the warning devices.

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

9. This Order is effective on its Mailed Date.

**B. ADOPTED IN THE COMMISSIONER'S WEEKLY MEETING
January 28, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners