

Decision No. C04-0568

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-090R

APPLICATION OF THE TOWN OF CASTLE ROCK, 4175 N. CASTLETON COURT, CASTLE ROCK, CO., 80109; FOR AUTHORITY TO CONSTRUCT FIFTH STREET ROADWAY IMPROVEMENTS AT THE CROSSING OF THE ROADWAY WITH THE UNION PACIFIC RAILROAD COMPANY; IN DOUGLAS COUNTY, STATE OF CO.

ORDER GRANTING LATE INTERVENTION

Mailed Date: June 1, 2004
Adopted Date: May 12, 2004

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of the Burlington Northern and Santa Fe Railway Company's (Burlington Northern) late filed motion to intervene, filed on May 3, 2004.

B. Findings

2. This matter involves the application of the Town of Castle Rock to improve the roadway at the crossing of 5th Street and the Union Pacific Railroad Company's (Union Pacific) tracks in Castle Rock.

3. The Burlington Northern has operating rights over the Union Pacific's track, and these rights could be affected by the application should it be granted.

4. The Burlington Northern should have the ability to participate as an intervenor in the matter, in order to protect its operating rights.

5. The Burlington Northern has shown good cause for intervention in this matter, and for its late filing.

C. Conclusions

6. The Burlington Northern's late filed motion to intervene should be granted.

II. ORDER

A. The Commission Orders That:

1. The Burlington Northern and Santa Fe Railway Company is granted intervenor status in this matter, and may participate in any proceedings related to this application.

2. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
May 12, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners