

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-158R

IN THE MATTER OF UNION PACIFIC RAILROAD COMPANY FOR AUTHORITY TO CLOSE THE HIGHWAY-RAILROAD AT-GRADE CROSSING ACROSS THE TRACKS OF UNION PACIFIC RAILROAD COMPANY (US DOT NO 804467X AT UPRR MILEPOST 15.23, GREELEY SUBDIVISION) AT 132ND AVENUE IN ADAMS COUNTY, STATE OF COLORADO.

**COMMISSION ORDER GRANTING INTERVENTIONS
AND REFERRING MATTER TO ALJ**

Mailed Date: June 16, 2004

Adopted Date: May 26, 2004

I. BY THE COMMISSION

A. Statement

1. Elkhart, LLC, a Colorado Limited Liability Corporation filed a petition to intervene on May 7, 2004, and Helen and Gary Okada and Okada Farms, Inc., filed a petition to intervene on May 13, 2004. They are property owners who could potentially be affected by the closing of the railroad-highway crossing that is at issue.

2. We believe that as property owners who could potentially be affected by the closure of the crossing they have an interest that could potentially be affected by a Commission order or decision, and thus should be able to participate in this matter.

3. We also believe that the determination of whether to grant the Union Pacific Railroad Company's application in this matter will involve significant factual inquiry best performed by an Administrative Law Judge (ALJ).

4. We will therefor grant the requested interventions, and refer this matter to an ALJ.

II. ORDER

A. The Commission Orders That:

1. The requests for intervention filed by Elkhart, LLC and by Helen and Gary Okada and Okada Farms, Inc., are granted.

2. This matter is referred to an Administrative Law Judge.

3. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
May 26, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners