

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-159R

IN THE MATTER OF THE COLORADO DEPARTMENT OF TRANSPORTATION, FOR
AUTHORITY TO DEMOLISH EXISTING BRIDGE AND CONSTRUCT A NEW BRIDGE AT
THE STATE HIGHWAY 2 CROSSING OVER THE DENVER ROCK ISLAND RAILROAD
COMPANY TRACKS, IN ADAMS COUNTY, COLORADO.

COMMISSION ORDER GRANTING APPLICATION

Mailed Date: June 30, 2004

Adopted Date: June 16, 2004

I. BY THE COMMISSION:

A. Statement

1. On April 6, 2004, the Colorado Department of Transportation (CDOT) filed this application requesting authority to replace the existing highway/railroad grade separation structures (No. E-17-P) that carries State Highway 2 over the tracks of The Denver Rock Island Railroad Company (DRIRR) at railroad milepost 2.97, National Inventory ID No. 594-885F, in Adams County, Colorado.

2. 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 April 15, 2004.

3. On May 3, 2004, the Burlington Northern and Santa Fe Railway Company (BNSF) filed its Entry of Appearance and Notice of Intervention.

4. The Commission received as a late-filed exhibit on May 20, 2004 a copy of the fully executed Contract dated May 14, 2004, by and between CDOT and DRIRR, providing for

construction, operation and maintenance of the highway/railroad grade separation structure (No. E-17-ZZ) of SH 2 over the tracks of DRIRR located in the Adams County, Colorado.

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

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

7. CDOT 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 file and deems the application to be complete within the meaning of § 40-6-109.5 (3), C.R.S.

9. The Commission will determine this matter without a formal hearing under § 40-6-109(5), C.R.S., and Rule 24, Commission Rules of Practice and Procedure, 4 CCR 723-1, because the application is noncontested and unopposed.

B. FINDINGS OF FACT

10. 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.

11. CDOT is improving a portion of SH 2 located in Adams County, Colorado. By this application, CDOT proposes to replace the existing highway/railroad grade separation structures (No. E-17-P) that carries SH 2 over the mainline tracks of the DRIRR and Vasquez

Boulevard at railroad milepost 2.97, National Inventory ID No. 594-885F with a new structure (No.E-17-ZZ) located at railroad milepost 2.97, in Adams.

12. The existing grade separation was built in 1959 and will be replaced with a similar alignment. The new structure will be a post-tensioned concrete box girder bridge.

13. Average daily traffic on SH 2 at the project area is 16,334 vehicles in 2004 and anticipated to be 22,540 in 2024. There are approximately four train movements each day with an estimated speed of 10 mph.

14. The estimated cost of the grade separation structure including removal of the existing structure is \$11.5 million.

15. Maintenance of the new highway/railroad grade separation structure will be the responsibility of CDOT in accordance with the agreement by and between CDOT and DRIRR dated May 14, 2004. Under the terms of this agreement, DRIRR will continue to maintain its track, rails, ties, ballast, sub-ballast, drainage, warning devices, train communications, signal wiring and equipment. CDOT will maintain the overpass structure including the deck, bridge rail, substructure, abutments, approach slabs, and drainage system, pavement markings, and signing

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 as hereinafter ordered.

C. CONCLUSIONS ON FINDINGS OF FACT

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

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

20. The Commission will determine this matter without a formal hearing under § 40-6-109(5), C.R.S., 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 demolish bridge structure E-17-P and construct, operate and maintain a highway/railroad grade separation structure E-17-ZZ to carry State Highway 2 over the tracks of The Denver Rock Island Railroad Company at railroad milepost 2.97, National Inventory ID No. 594-885F, in Adams County, Colorado.

2. All work done shall be in accordance with the plans, specifications and exhibits as 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 Contract by and between the Colorado Department of Transportation and The Denver Rock Island Railroad Company dated May 14, 2004.

4. Maintenance of the completed grade separation structure shall be in accordance with the Agreement, dated May 14, 2004, by and between the Colorado Department of Transportation and The Denver Rock Island Railroad 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
JUNE 16, 2004**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER POLLY PAGE
ABSENT.