

Decision No. C04-0798

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

DOCKET NO. 01A-267R

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[*corrected caption*] IN THE MATTER OF THE APPLICATION OF THE OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BOULDER, STATE OF COLORADO, FOR AUTHORITY TO INSTALL SIGNALS AT A RAILROAD CROSSING ON 55<sup>TH</sup> STREET SOUTH OF STATE HIGHWAY 119, BOULDER COUNTY, COLORADO (COUNTY ROAD NUMBER 43), AT RAILROAD CROSSING D.O.T. NUMBER 244-824A (RAILROAD MILEPOST 33.77).

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**Comment [LP1]:** correction amending the title caption by striking "D.O.T. NUMBER 245-824A" and substituting "D.O.T. NUMBER 244-824A. All references in the decision to "National Inventory I.D. No. 245-824A" are stricken and substituted with "National Inventory I.D. No. 244-824A"

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**COMMISSION ORDER GRANTING APPLICATION**

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Mailed Date: July 19, 2004  
Adopted Date: July 15 2004

**I. BY THE COMMISSION**

**A. Statement**

1. On June 20, 2001, the County of Boulder, Colorado, filed an application requesting authority to install grade crossing warning devices consisting of flashing light signals with gates and bells, at the crossing of N. 55th Street, (Boulder County Road 43) across the tracks and right-of-way of The Burlington Northern and Santa Fe Railway Company (BNSF) at railroad milepost 33.77, National Inventory I.D. No. 244-824A, in the County of Boulder, Colorado.

2. 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 July 12, 2001.

3. On July 12, 2001, the Staff of the Commission filed its Entry of Appearance and Notice of Intervention.

4. On July 19, 2001, CDOT filed its Entry of Appearance and Notice of Intervention.

5. On August 3, 2001, BNSF filed its Entry of Appearance and Notice of Intervention.

6. None of the intervenors opposes the application.

7. On May 4, 2001, the Commission received a copy of the fully executed Agreement by and between the Colorado Department of Transportation, (CDOT), County of Boulder, and BNSF, dated April 24, 2001, pertaining to the construction, maintenance, and funding for this project.

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

**B. Findings of Fact**

9. The purpose of this application is to secure Commission approval to install grade crossing warning devices consisting of flashing light signals with gates, bells and constant warning devices at the crossing of N. 55th Street across the tracks and right-of-way of BNSF at railroad milepost 33.77, National Inventory I.D. No. 244-824A in the County of Boulder, Colorado.

10. N. 55th Street is a moderately traveled roadway, used by commercial trucks, road construction equipment, passenger vehicles, and school busses.

11. The BNSF operates two trains per day over the crossing at an estimated speed of 20 mph. The average daily vehicular traffic over the crossing is 300 vehicles per day with projected increases due to continued development.

12. The work to be done and the expenses therefor will be paid in accordance with the appropriate rules and regulations of the Federal Government Title 20 of United States Code, Section 130 and are covered by an agreement by and between CDOT, County of Boulder, and BNSF dated April 24, 2001. The total estimated cost of the railroad portion of the project \$154,964.

13. Maintenance of the roadway approaches to the crossing will be the responsibility of County of Boulder. Maintenance of the crossing surface, roadbed, tracks, grade crossing warning devices, and appurtenances will be the responsibility of BNSF.

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

**C. Conclusions**

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

16. Because the Application is uncontested, the Commission will determine this matter 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.

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

**II. ORDER**

**A. The Commission Orders That:**

1. The County of Boulder, Colorado is authorized to install grade crossing warning devices consisting of flashing light signals with gates, bell, and constant warning devices at the

crossing of N. 55th Street across the tracks and right-of-way of The Burlington Northern and Santa Fe Railway Company at railroad mile post 33.77, National Inventory I.D. No. 244-824A in the County of Boulder, Colorado.

2. The 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 April 24, 2001, by and between the Colorado Department of Transportation, the County of Boulder, Colorado, 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 April 24, 2001, by and between the Colorado Department of Transportation, the County of Boulder, Colorado, 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 Commission retains jurisdiction to enter further required orders.

7. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
July 15, 2004**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners