

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

DOCKET NO. 02A-148R

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IN THE MATTER OF THE APPLICATION OF THE CITY OF ARVADA, COLORADO, FOR  
AUTHORITY TO SIGNALIZE THE CROSSING OF THE UNION PACIFIC RAILROAD  
COMPANY AT BLUE MOUNTAIN ROAD IN JEFFERSON COUNTY, COLORADO.

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**COMMISSION ORDER GRANTING APPLICATION**

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Mailed Date July 29, 2004  
Adopted Date: July 27, 2004

**I. BY THE COMMISSION**

**A. Statement**

1. On January 3, 2002, the City of Arvada, Colorado (Arvada) filed an application requesting authority to install grade crossing warning devices consisting of flashing light signals with gates, bells, and constant warning devices at the crossing of Blue Mountain Road, across the tracks and right-of-way of the Union Pacific Railroad Company (UPRR) at railroad milepost 22.41, National Inventory I.D. No. 253-298N, in the City of Arvada, Jefferson County, Colorado.

2. The Commission gave notice of the 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. (1993). This Notice was mailed February 28, 2002.

3. On February 28, 2002, the Staff of the Commission filed its Entry of Appearance and Notice of Intervention.

4. On March 6, 2002, the Colorado Department of Transportation (CDOT) filed an Entry of Appearance and Notice of Intervention.

5. On March 12, 2002, UPRR filed an Entry of Appearance and Notice of Intervention.

6. No intervener opposed the application

7. On June 10, 2002, the Commission received a copy of the fully executed Contract by and between CDOT, Arvada, and UPRR, dated April 19, 2002, pertaining to the construction, maintenance, and funding for this project.

8. 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.

9. The Commission will determine this matter upon the record, without a formal hearing under § 40-6-109(5), C.R.S., and Rule 24, Commission Rule of Practice and Procedure, 4 *Colorado Code of Regulations* (CCR) 723-1, because the application is uncontested.

#### **B. Findings of Fact**

10. 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 Blue Mountain Road across the tracks and right-of-way of the UPRR at railroad milepost 22.41, National Inventory I.D. No. 253-298N, in the City of Arvada, County of Jefferson, Colorado.

11. The average daily vehicular traffic count on Blue Mountain Road at the existing crossing is approximately 572 vehicles per day. There are currently 18 trains per day with a speed of 25 mph.

12. The proposed warning devices will consist of flashing signals with gates, warning bells, and constant warning devices.

13. The work to be done and the expenses therefor will be paid in accordance with the appropriate rules and regulations of the Federal Government and are covered by an Contract by and between the CDOT, Arvada, and UPRR dated April 19, 2002. The estimated cost of the project is \$122,733.

14. According to the application, maintenance of the roadway approaches to the crossing will be the responsibility of Arvada. Maintenance of the crossing surface, roadbed, tracks, grade crossing warning devices, and appurtenances will be the responsibility of UPRR.

### **C. Conclusions**

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

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

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

18. 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 City of Arvada, 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 Blue Mountain Road, across the tracks and right-of-way of the Union Pacific

Railroad Company at railroad milepost 22.41, National Inventory I.D. No. 253-298N, in the City of Arvada, Jefferson County, Colorado.

2. 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 Contract dated April 19, 2002, by and between the Colorado Department of Transportation, the City of Arvada, Colorado 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 Contract dated April 19, 2002, by and between the Colorado Department of Transportation, the City of Arvada, Colorado 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 Commission retains jurisdiction to enter further required orders.

7. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
July 27, 2004**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners