

Decision No. C04-0910

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-059R

THE MATTER OF THE COLORADO DEPARTMENT OF TRANSPORTATION, FOR
AUTHORITY TO INSTALL NEW FLASHING LIGHT SIGNALS WITH AUTOMATIC GATE
ARMS AT THE CROSSING OF THE BURLINGTON NORTHERN AND SANTA FE
RAILWAY COMPANY TRACK AT UNITED STATES HIGHWAY 85 AND MAIN STREET,
EL PASO COUNTY, COLORADO

COMMISSION ORDER GRANTING APPLICATION

Mailed Date: August 5, 2004

Adopted Date August 3, 2004

I. BY THE COMMISSION

A. Statement

1. On February 13, 2003, Colorado Department of Transportation, (CDOT) filed an application requesting authority to widen the Main Street roadway and install new flashing light signals with automatic gate arms at the crossing of Main Street across the tracks and right-of-way of The Burlington Northern and Santa Fe Railway Company (BNSF) at railroad milepost 82.78, National Inventory I.D. No. 003-528Y; and to interconnect and preempt traffic signals at US 85 and Main Street, all in Security, El Paso County, 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 February 18, 2003.

3. On February 18, 2003, the Staff of the Commission filed its Entry of Appearance and Notice of Intervention.

4. On February 24, 2003, BNSF filed its Entry of Appearance and Notice of Intervention.

5. On March 11, 2003, the City of Colorado Springs filed its Entry of Appearance and Notice of Intervention by Right.

6. No interveners oppose the application.

7. On April 17, 2003, the Commission received a copy of the fully executed Agreement by and between CDOT and BNSF, dated April 14, 2003, 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.

B. Findings of Fact

9. The purpose of this application is to secure Commission approval to widen the roadway and install grade crossing warning devices consisting of flashing light signals with gates, bell, and motion detection devices at the crossing of Main Street near U.S. 85 across the tracks and right-of-way of BNSF at railroad milepost 82.78, National Inventory I.D. No. 003-528Y in El Paso County, Colorado, and to interconnect and preempt the traffic signals at U.S. 85.

10. Main Street is a four-lane asphalt road with a raised median that crosses the mainline tracks of the BNSF. Immediately southeast of the crossing, Main Street intersects U.S. 85. CDOT is widening Main Street to six lanes with a raised median. The rubber crossing material will be replaced with concrete and a new bungalow will be built. New warning devices, consisting of gates, lights, and constant warning circuitry will be installed at the crossing of BNSF and Main Street. New traffic signals will be installed at the crossing of Main Street with U.S. 85 and will be interconnected with, and preempted by the Railroad warning circuitry.

11. The BNSF operates approximately 40–48 trains per day over the crossing at a maximum timetable speed of 55 mph. The average daily vehicular traffic (ADT) over the crossing was 15, 300 in 1998 with an estimated ADT increase to 20,900 in 2020

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 and are covered by an agreement by and between CDOT, and BNSF dated April 14, 20003. The total estimated cost of the project is \$307,076.

13. Maintenance of the roadway approaches to the crossing will be the responsibility of CDOT. 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.

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

C. Conclusions

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

17. The Commission will determine this matter on the record, 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 because the application is uncontested and unopposed.

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 Colorado Department of Transportation is authorized to widen the Main Street roadway and install new flashing light signals with automatic gate arms at the crossing of Main Street across the tracks and right-of-way of The Burlington Northern and Santa Fe Railway Company (BNSF) at railroad milepost 82.78, National Inventory I.D. No. 003-528Y; and to interconnect and preempt traffic signals at US 85 and Main Street, all in Security, El Paso County, 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 14, 2003, by and between the Colorado Department of Transportation 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 14, 2003, by and between the Colorado Department of Transportation and The Burlington Northern and Santa Fe Railway Company.

5. The Colorado Department of Transportation will maintain the roadway approaches to the crossing.

6. The Burlington Northern and Santa Fe Railway Company shall maintain the track, appurtenances and warning devices.

7. The Commission retains jurisdiction to enter further required orders.

8. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, re-argument, or reconsideration begins on the first day following the effective date of this Order.

9. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
August 3, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners