

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

DOCKET NO. 03A-327R

---

IN THE MATTER OF THE COLORADO DEPARTMENT OF TRANSPORTATION, FOR  
AUTHORITY TO INSTALL NEW FLASHING LIGHT SIGNALS WITH AUTOMATIC GATE  
ARMS AT THE CROSSING OF UNION PACIFIC RAILROAD TRACK AT US HIGHWAY 85  
AND 120<sup>TH</sup> AVENUE IN ADAMS COUNTY, COLORADO.

---

**COMMISSION ORDER GRANTING APPLICATION**

---

Mailed Date: August 5, 2004  
Adopted Date: August 3, 2004

**I. BY THE COMMISSION**

**A. Statement**

1. On July 25, 2003, the Colorado Department of Transportation (CDOT), filed this application requesting authority to install grade crossing warning devices consisting of flashing light signals with gates, bell, and constant warning devices at the crossing of 120<sup>th</sup> Avenue east of US Highway 85 (US 85) across the tracks and right-of-way of the Union Pacific Railroad at railroad milepost 13.6, Crossing Inventory I.D. NO. 804-435S in Adams 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 July 31, 2003.

3. On July 31, 2003, the Staff of the Commission filed its Entry of Appearance and Notice of Intervention.

4. On August 4, 2003, CDOT filed its Entry of Appearance and Notice of Intervention

5. On August 7, 2003, UPRR filed its Entry of Appearance and Notice of Intervention

6. On August 15, 2003, the City of Thornton filed its Entry of Appearance and Notice of Intervention

7. On May 3, 2004, the Commission received a copy of the fully executed Contract by and between CDOT, Adams County and Union Pacific Railroad, dated April 27, 2004, 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 install grade crossing warning devices consisting of flashing light signals with gates, bell, and constant warning devices at the crossing of 120<sup>th</sup> Ave. across the tracks and right-of-way of Union Pacific Railroad at railroad milepost 13.6, Crossing Inventory I.D. NO. 804-435S in Adams County, Colorado.

10. The average daily traffic count at the existing crossing was approximately 3700 vehicles per day in 2003 with an estimated increase to 37,600 in 2025. There are approximately 18 trains per day at a maximum timetable speed of 50 m.p.h.

11. The project consists of removing existing wiring and circuitry and installing new wiring and circuitry to interconnect and preempt the signals at US 85, upgrading the protection devices at 120<sup>th</sup> Avenue to LED flashing light signals with gates and bell.

12. According to the application the work to be done and the expenses therefore will be paid in accordance with the appropriate rules and regulations of the Federal Government and

are covered by a Contract by and between CDOT, Adams County and Union Pacific Railroad dated April 27, 2004. Union Pacific Railroad will install the new grade crossing warning equipment and related circuitry. The total estimated cost of the railroad signal portion of the project is \$241,159.

13. Maintenance of the roadway approaches to the crossing will be the responsibility of Adams County. Maintenance of the tracks, grade crossing warning devices, and appurtenances will be the responsibility of Union Pacific Railroad.

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.

16. No intervention was received in opposition to this application. The application is uncontested and unopposed.

17. The Commission will determine this matter on the record, 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.

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

**II. ORDER****A. The Commission Orders That:**

1. The Colorado Department of Transportation is authorized to install new wiring and circuitry and interconnect and preempt signals at United States Highway 85 and to install new flashing light signals with gates, bells, and constant warning devices at the crossing of 120<sup>th</sup> Avenue across the tracks and right-of-way of the Union Pacific Railroad at railroad milepost 13.6, Crossing Inventory I.D. NO. 804-435S in Adams 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 total actual cost of labor and material required for installation of the grade crossing warning devices shall be paid in accordance with the Contract by and between the Colorado Department of Transportation, Adams County and Union Pacific Railroad, dated April 27, 2004.

4. The Union Pacific Railroad shall maintain the grade crossing warning devices at its own expense for the life of the crossing so protected.

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

6. 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.

7. 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