

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-474R

IN THE MATTER OF THE APPLICATION OF THE CITY OF NORTHGLENN, COLORADO,
FOR THE AUTHORITY TO ALTER THE SIGNALIZATION AND SAFETY DEVICES AND
UPGRADE AND WIDEN THE ROADWAY AT THE CROSSING OF THE UNION PACIFIC
RAILROAD AND EAST 112TH AVENUE IN THE CITY OF NORTHGLENN, ADAMS
COUNTY, COLORADO.

COMMISSION ORDER GRANTING APPLICATION

Mailed Date: August 12, 2004
Adopted Date: August 11, 2004

I. BY THE COMMISSION

A. Statement

1. On October 27, 2003, the City of Northglenn, Colorado (Northglenn) filed an application requesting authority to relocate grade crossing warning devices consisting of flashing light signals with gates, bells, and constant warning devices to facilitate the widening of the crossing of at E. 112th Avenue, across the tracks and right-of-way of the Union Pacific Railroad Company (UPRR) at railroad milepost 7.16, National Inventory I.D. No. 804-300L, in the City of Northglenn, 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. (1993). This Notice was mailed November 4, 2003.

3. On November 4, 2003, the Staff of the Commission filed an Entry of Appearance and Notice of Intervention.

4. On November 24, 2003, UPRR filed an Entry of Appearance and Notice of Intervention.

5. None of the interventions opposes the application.

6. On July 1, 2004, the Commission received a copy of the fully executed Agreement by and between Northglenn, and UPRR, dated June 11, 2004, pertaining to the construction, maintenance, and funding for this project.

7. 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

8. The purpose of this application is to secure Commission approval to relocate grade crossing warning devices consisting of flashing light signals with gates, bells, and constant warning devices at the crossing of at E. 112th Avenue across the tracks and right-of-way of the UPRR at railroad milepost 7.16, National Inventory I.D. No. 804-300L, in the City of Northglenn, County of Adams, Colorado.

9. E. 112th Avenue is a two-lane asphalt roadway, approximately 24 feet wide at the crossing. Northglenn proposes to widen the street to three lanes and desires that the upgrade include a concrete crossing system.

10. The crossing upgrade will include installing a concrete crossing surface, curb lines, drainage structures and utilities.

11. The average daily vehicular traffic count on 112th Street at the existing crossing is approximately 8,000 to 10,000 vehicles per day. The twenty-year projection is 15,000 to 18,000 vehicles per day.

12. The estimated cost of this project is \$168,657.00.

13. The work to be done and the expenses therefor will be paid in accordance with the Agreement by and between Northglenn, and UPRR dated June 11, 2004.

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

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

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 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. 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.

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

II. ORDER

A. The Commission Orders That:

1. The City of Northglenn, Colorado is authorized to widen the roadway and relocate grade crossing warning devices consisting of flashing light signals with gates, bells, and

constant warning devices at the crossing of at E. 112th Avenue, across the tracks and right-of-way of the Union Pacific Railroad Company at railroad milepost 7.16, National Inventory I.D. No. 804-300L, in the City of Northglenn, 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 installation, operation, and maintenance of the crossing warning devices shall comply with the Agreement dated June 11, 2004, by and between the City of Northglenn, 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 Agreement dated June 11, 2004, by and between the City of Northglenn, 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. 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.

8. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
August 11, 2004**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

CHAIRMAN GREGORY E. SOPKIN
ABSENT.
