

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-392R

IN THE MATTER OF THE COLORADO DEPARTMENT OF TRANSPORTATION FOR
AUTHORITY TO INSTALL A NEW FLASHING LIGHT SIGNAL WITH AUTOMATIC
GATE ARM AT THE CROSSING OF THE BURLINGTON NORTHERN SANTA FE
RAILROAD TRACK AT COMMERCIAL STREET IN THE CITY OF TRINIDAD, LAS
ANIMAS COUNTY, STATE OF COLORADO.

**COMMISSION ORDER DEEMING APPLICATION
COMPLETE AND REFERRING IT TO AN
ADMINISTRATIVE LAW JUDGE**

Mailed Date: September 15, 2004

Adopted Date: September 14, 2004

I. BY THE COMMISSION:

A. Statement

1. On July 29, 2004, the Colorado Department of Transportation (CDOT) filed an application requesting authority to upgrade the crossing signals at the Burlington Northern and Santa Fe Railroad (BNSF) tracks and Commercial Street in Trinidad, Colorado.

2. The Commission gave notice of this application together with a copy of the application, to all interested parties, including adjacent property owners in accordance with § 40-6-108(2), C.R.S. The Notice was mailed August 9, 2004.

3. On August 19, 2004, BNSF filed an Entry of Appearance and Notice of Intervention.

4. On September 3, 2004, the City of Trinidad filed an Entry of Appearance and Notice of Intervention

5. 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.

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

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

8. The Commission now refers this application to an administrative law judge for determination of its merits, including the status of the final contract between the parties for construction and maintenance of the crossing.

II. ORDER

A. THE COMMISSION ORDERS THAT:

1. This application is deemed complete within the meaning of § 40-6-109.5, C.R.S.

2. Docket No. 04A-392R is set for hearing before an Administrative Law Judge of the Colorado Public Utilities Commission on:

DATE: February 14, 2005

TIME: 9:00 AM

PLACE: Commission Hearing Room
Office Level 2 (OL2)
1580 Logan Street
Denver, Colorado

3. The assigned administrative law judge shall establish a procedural schedule for the filing of exhibit and witness lists and any pre-filed testimony.

4. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 14, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

CHAIRMAN GREGORY E. SOPKIN
ABSENT.