

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 01A-167R

IN THE MATTER OF THE COLORADO DEPARTMENT OF TRANSPORTATION FOR THE
AUTHORITY TO ELIMINATE THE GRADE SEPARATION STRUCTURE WHICH
CARRIES THE UNION PACIFIC RAILWAY COMPANY RAILROAD TRACKS OVER
INTERSTATE HIGHWAY 25 NEAR RAILROAD MILEPOST 18.82, MORE OR LESS, NEAR
THE GRADE SEPARATED CROSSING, NATIONAL INVENTORY ID NO. 804-959D, AT
INTERSTATE HIGHWAY 25 IN WELD COUNTY, COLORADO

COMMISSION ORDER GRANTING APPLICATION

Mailed Date: October 1, 2004
Adopted Date: September 29 2004

I. BY THE COMMISSION

A. Statement

1. On April 10, 2001, the Colorado Department of Transportation (CDOT) filed an application for authority to eliminate the grade separation structure which carries the Union Pacific Railroad Company (UPRR) tracks over Interstate highway 25 (I-25) at National Inventory ID No. 804-959D near railroad milepost 18.82 in Weld 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 April 20, 2001.

3. On April 20, 2001, the Staff of the Commission filed its Entry of Appearance and Notice of Intervention.

4. On May 4, 2001, the UPRR filed its Entry of Appearance and Notice of Intervention.

5. On April 30, 2001, CDOT filed its Entry of Appearance and Notice of Intervention

6. On March 29, 2004, a copy of the fully executed Contract by and between CDOT and the UPRR dated January 17, 2002.

II. FINDINGS OF FACT

7. Notice of the proposed graded separation structure elimination has been given by the Commission to all interested parties, including adjacent property owners. No intervenor who filed a petition to intervene or other pleading contested or opposed the application.

8. By this application, CDOT wishes to demolish a railroad overpass at approximately railroad milepost 18.82 over I-25 near the Erie Exit.

9. The Surface Transportation Board granted the Railroad's Petition for the Discontinuance of Service Exemption by Decision No. AB-33 (Sub182X) on October 16, 2001 and was effective November 18, 2001

10. The average daily traffic (ADT) on I-25 was 66,058 in 1999, with projected ADT estimated at 128,000 in the year 2020. The maximum design speed is 80 mph.

11. At the time of the application, UPRR operated two trains, three times a week; all service has since been discontinued as granted by the STB.

12. The demolition and funding of the demolition is covered by the Lump Sum Contract dated January 17, 2002, by and between CDOT and the UPRR.

III. CONCLUSIONS

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

14. The application is uncontested and unopposed.

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

16. The Commission will determine this matter without a formal oral hearing under § 40-6-109(5), C.R.S., and Commission Rules of Practice and Procedure No. 24, 4 CCR 723-1.

17. The public safety requires and will be served by granting this application.

IV. ORDER

A. The Commission Orders That:

1. The Colorado Department of Transportation is granted authority to eliminate the grade separation structure, which carries the Union Pacific Railroad Company tracks over Interstate Highway 25 at National Inventory ID No. 804-959D near railroad milepost 18.82 in Weld County, Colorado.

2. All work done shall be in accordance with the plans, specifications and exhibits submitted in this application and hereby approved.

3. The demolition and funding of the demolition authorized in Ordering Paragraph No 1 above shall be in accordance with the Lump Sum Contract dated January 17, 2002, by and between the Colorado Department of Transportation, and the Union Pacific Railroad Company.

4. This Order is effective on it's Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 29, 2004**

THE PUBLIC UTILITIES COMMISSION
THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

CHAIRMAN GREGORY E. SOPKIN
ABSENT.