

Decision No. C04-1144

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 02A-262R

IN THE MATTER OF THE APPLICATION OF THE NORTHWEST PARKWAY PUBLIC HIGHWAY AUTHORITY, 555 ELDORADO BOULEVARD, SUITE 130, BROOMFIELD, COLORADO 80021; FOR AUTHORITY TO CONSTRUCT THE NORTHWEST PARKWAY PUBLIC HIGHWAY AS A GRADE SEPARATION, AND TWO ACCESS RAMPS AS AT GRADE CROSSINGS WITH THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S LAFAYETTE BRANCH, IN BOULDER COUNTY, STATE OF COLORADO.

COMMISSION ORDER GRANTING APPLICATION

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

I. BY THE COMMISSION:

A. Statement

1. On May 9, 2002, the Northwest Parkway Public Highway Authority (NW Parkway) filed an application requesting authority to construct a new roadway as a new highway/railroad grade separation overpass, and two access ramps at grade, across the mainline tracks of the Burlington Northern and Santa Fe Railway Company (BNSF) Lafayette Branch near railroad milepost 18.81, east of U.S. Highway 287 (US 287), in Boulder 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 on May 14, 2002.

3. On May 14, 2002, the Staff of the Commission filed its Entry of Appearance and Notice of Intervention.

4. On May 21, 2002, BNSF filed its Entry of Appearance and Notice of Intervention.
5. On May 23, 2002, the Colorado Department of Transportation (CDOT) filed its Entry of Appearance and Notice of Intervention.
6. On April 3, 2003, the contract between NW Parkway and BNSF was submitted as a late filed exhibit.
7. The Commission has jurisdiction in this matter under § 40-4-106(2)(a) & (3)(a), C.R.S.
8. The Commission has reviewed the record in this matter and deems the application complete within the meaning of § 40-6-109.5, C.R.S.

B. Findings of Fact

9. The NW Parkway is the eastern segment of a planned circumferential beltway around the Denver Metropolitan area. NW Parkway is a tollway (freeway generally built to interstate highway standards) approximately 8 miles long, extending from a connection of E-470 with I-25 to a connection with 96th Street near U.S. Highway 34. As planned, NW Parkway will be constructed in stages. Initially as a four-lane divided highway to an ultimate six-lane controlled access tollway with potential for light rail or other High Occupancy Vehicle use in the median. The roadway will pass over BNSF, Dillon Road and US 287.
10. The purpose of this application is to obtain Commission approval for a grade separated crossing of the BNSF Lafayette Branch track and two ramps at grade of the BNSF at railroad milepost 18.81, located east of US 287, in Boulder County, Colorado.

11. The traffic on NW Parkway in 2004 is estimated to be 8,200 vehicles per day with a speed limit of 70 mph. The eastbound ramp to NW Parkway, including Dillon Road traffic is estimated to be 11,100 vehicles per day with the ramp speed of 25 mph. The westbound ramp from NW Parkway to US 287, including Dillon Road traffic is estimated to be 9,500 vehicles per day, with the ramp speed of 30 mph. Presently there are two trains per day on this line segment of trackage at a maximum timetable speed of 10 mph.

12. Maintenance of the highway/railroad grade separation structure, including the bridge, piers, abutments, embankments, and roadway surfaces and traffic signals will be the responsibility of NW Parkway. Maintenance of the trackage and railroad operating facilities will continue to be the responsibility of BNSF.

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

C. Conclusions

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

15. The Commission will now 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, 4CCR 723-1.

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

II. ORDER:

A. The Commission Orders That:

1. The Northwest Parkway Public Highway Authority is authorized and directed to construct a new highway/railroad grade separation overpass and two at grade ramp crossings across the tracks of the Burlington Northern and Santa Fe Railway Company's Lafayette Branch near railroad milepost 18.81, east of U.S. Highway 287, in Boulder 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 Northwest Parkway Public Highway Authority shall maintain the highway/railroad grade separation structure, including the bridge, piers, abutments, embankments, traffic signals and roadway surfaces. The Burlington Northern and Santa Fe Railway Company shall continue to maintain its trackage and railroad operating facilities.

4. The Commission retains jurisdiction to make further orders as required in this matter.

5. 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.

6. This Order is effective on its Mailed Date.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

CHAIRMAN GREGORY E. SOPKIN
ABSENT.